Tuesday
17th August, 1948

THE
CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES
(PART I—QUESTIONS AND ANSWERS)
Official Report

VOLUME VI. 1948

(9th August to 31st August, 1948)

THIRD SESSION

of the

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

1948

CONTENTS

VOLUME VI—9th AUGUST TO 31st AUGUST, 1948

	PAGES.
MONDAY, 9TH AUGUST, 1948—	
Declaration by Members	1
Starred Questions and Answers	1—35
Statements laid on the Table	35—67
TUESDAY, 10TH AUGUST, 1948—	
Declaration by Members	69
Starred Questions and Answers	69—108
WEDNESDAY, 11TH AUGUST, 1948—	
Starred Questions and Answers	109—73
THURSDAY, 12TH AUGUST, 1948—	
Starred Questions and Answers	175—202
FRIDAY, 13TH AUGUST, 1948—	
Starred Questions and Answers	203—57
MONDAY, 16TH AUGUST, 1948—	
Starred Questions and Answers	259—97
Unstarred Questions and Answers	297—98
TUESDAY, 17TH AUGUST, 1948—	
Declaration by Members	299
Starred Questions and Answers	299—333
Short Notice Question and Answer	333—34
WEDNESDAY, 18TH AUGUST, 1948—	
Starred Questions and Answers	335—67
FRIDAY, 20TH AUGUST, 1948—	
Starred Questions and Answers	369—406
Transferred Starred Questions and Answers	406—24
Transferred Unstarred Questions and Answers	425
MONDAY, 23RD AUGUST, 1948—	
Declaration by Members	427
Starred Questions and Answers	427—74
TUESDAY, 24TH AUGUST, 1948—	
Declaration by Members	475
Starred Questions and Answers	475—515
WEDNESDAY, 25TH AUGUST, 1948—	
Starred Questions and Answers	517—49
THURSDAY, 26TH AUGUST, 1948—	
Starred Questions and Answers	551—90
SATURDAY, 28TH AUGUST, 1948—	
Starred Questions and Answers	591—619
MONDAY, 30TH AUGUST, 1948—	
Starred Questions and Answers	621—59
Unstarred Question and Answer	659—60
TUESDAY, 31ST AUGUST, 1948—	
Starred Questions and Answers	661—706
Unstarred Question and Answer	706
Short Notice Questions and Answers	707—09

CORRIGENDA

In the Constituent Assembly of India (Legislative) Debates (Part I—Questions and Answers), Autumn Session, 1948:—

In Volume VI—

No. 3, dated the 11th August, 1948—

Page 10, in heading to Question No. 7, *for* "PEHABILITATION" *read* "REHABILITATION".

Page 13, *transfer* line 9 between lines 5 and 6.

पृष्ठ १६, पंक्ति ११, "मैनों" के स्थान पर "मेवों" पढ़ें।

पंक्ति २१, "वाक्य के स्थान पर "वाक़या" पढ़ें।

अन्तिम पंक्ति, "कि" के पश्चात् "कई" पढ़ें।

Page 58, lines 2 and 3, *for* the words "FROM WAR SERVICE, PROVINCIAL SERVICE, ETC." *read* "SERVICE FROM CERTAIN SERVICES AND PROFESSIONS".

Page 66, *insert* the following in the beginning of the page,—

"*Moghalsarai.*—1. Shayam Bahadur, 2. Jagat Narayan Singh, 3. Ballabha Das Agarwal, 4. Rai Saheb H. P. Verma, 5. M. L. Surendra Prasad Singh, 6. Iftikar Ahmed Mohamed Sultan Ansari, 7. Tek Narayan Lall, 8. Bird and Co., 9. Bery Bros. Contract was given to Ballabhadas Agarwal."

No. 1, dated the 9th August, 1948—

Page 145, last line, *insert* "marketing" in the beginning of the line.

Page 157, line 19, *for* the first word *read* "fees".

No. 4, dated the 12th August, 1948—

Page 176, line 28, *between* "this" and "of" *insert* "time".

Page 196, line 8, *for* "status" *read* "statue".

Page 202, line 5, *for* "RECONSTITUOTION" *read* "RECONSTRUCTION".

No. 5, dated the 13th August, 1948—

Page 227, in the heading to Question No. 178, *for* "ORGANISATION" *read* "RE-ORGANISATION".

No. 7, dated the 17th August, 1948—

Page 299, in heading to Question No. 256, *for* "FRANOE" *read* "FRENCH".

Page 311, in line 10 from bottom, *delete* "have"; in line 9 from bottom, *for* "lent" *read* "but".

Page 312, line 7, *for* "on" *read* "in" and *delete* word "Government".

Page 325, line 17, *for* "294" *read* "270".

No. 8, dated the 18th August, 1948—

Page 339, *transfer* line 16 from bottom *between* lines 14 and 15 from bottom.

صفحہ ۳۳۹ - نیچے سے سطر ۹ - ”کی“ کے بجائے ”کو“ پڑھیں -

No. 9, dated the 20th August, 1948—

Page 371, line 24 from bottom, *for* "†Includes" *read* "††Includes" in statement appended to Question No. 351, in item (a), part (2), column 5, *for* "Rs. †1,01,400" *read* "†† Rs. 1,01,400".

Page 395, line 25 from bottom, *read* "applications were rejected?".

Page 398, in heading to Question No. 376, *transfer* "*per capita*" between the words "INCOME" and "IN INDIA".

No. 10, dated the 23rd August, 1948—

Page 443, item 8, against "Total" *for* "3,61,31" *read* "3,69,31".

Page 446, line 11 from bottom, *for* "recoganisation" *read* "re-organisation".

Page 449, line 5 from bottom, *for* "Nok" *read* "Now".

Page 450, *insert* a "†" mark in the beginning of last line and *insert* the following foot-note: " † Not printed in the day's debate. A copy has been placed in the Library of the House. —*Ed. of Debates.*"

Page 451, under "*Equipments and their approximate Prices*" in Column 3, *omit* the words "Floor Space required."

Page 452, under "*Estimate of Photo Process Section*" in Column 4, for "£300979-0-0" *read* "£979-0-0".

صفحہ ۴۵۸ - سطر ۷ - ”بلے“ کے بجائے ”ہے“ پڑھیں -

No. 13, dated the 26th August, 1948 —

Page 480, in column 4, *insert* "prices" *between* "Pork" and "after" in last line *for* "rices" *read* "Prices".

Page 489, *against* item 7(iii), in column 3, *insert* the figure "3,01,250".

Page 494, last line, *between* "in" and "Germany" *omit* "it".

पृष्ठ ५०३, पंक्ति ९, "तमास" के स्थान पर "तमाम" पढ़ें ।

No. 12, dated the 25th August, 1948 —

Page 520, line 6, *for* "there" *read* "these".

Page 528, *for* the existing line 5, *read* "installed at the Bela Road Power House in the year 1947. Three of them".

Page 534, *for* line 21 from bottom, *read* "**478. *Shri H. V. Kamath** Will the Honourable the Prime Minister be".

Page 587, *before* "WITHDRAWN", *insert* the figure "**483** *".

No. 11, dated the 24th August, 1948—

صفحہ ۵۵۲ - آخری سطر - ”نہیں“ کے بعد ”رکھا گیا تھا“ پڑھیں -

Page 554, *omit* line 7.

Page 576, line 3, *for* "fact, Sir, that the Maharaja of Baroda conferred" *read* "fact that the Privy Council of Baroda served an"; line 20 from bottom, *for* "Is it a fact that the Privy Council of Baroda served an" *read* "Is it a fact, Sir, that the Maharaja of Baroda conferred".

Page 580, in heading to Question No. 520, *for* "ports" *read* "Posts".

No. 14, dated the 28th August, 1948—

Page 601, line 18, *for* "wate" *read* "waste".

No. 15, dated the 30th August, 1948—

Page 628, line 26, *for* "ooms" *read* "Looms".

Page 648, in heading to Question No. 608, *for* "OCUREMENT" *read* "PROCUREMENT".

No. 16, dated the 31st August, 1948—

Page 697, line 16, *for* "**605**" *read* "**606**".

Page 705, in the top-most line, *insert* "FOR" *between* "TEST" and "RECRUITMENT"; in line 5 from bottom, *for* "200" *read* "290".

Page 706, in the top-most line, *between* "also" and "filled" *insert* "be".

In Volume VII—

No. 1, dated the 1st September, 1948—

Page 714, *for* "lthing" *read* "lighting".

Page 716, line 10, *for* "It is" *read* "Is it".

Page 726, line 2, *insert* "there" *between* "hours" and "have".

पृष्ठ ७३६, पंक्ति ८ "मिलता" के स्थान पर "मिलसा" पढ़ें।

Page 742, last line of statement, *for* "are" *read* "area".

Page 761, in the heading to Question No. 8, *for* "STATWITH" *read* "STATIONS WITH".

No. 2, dated the 2nd September, 1948—

Page 794, line 13 from bottom, *for* "manufacturers" *read* "manufactories".

No. 3, dated the 3rd September, 1948—

Page 876, line 18, *for* "scripture" *read* "sculpture".

Page 879, in top-most line, *omit* "Participation of".

Page 884, in Chapter I of the Notification in Sub-Clause (ii) of Clause 2, *between* "District court" and "the court of" *insert* "means".

No. 4, dated the 4th September, 1948—

Page 919, in last column *of statement*, *for* "14, 47, 49" *read* "14, 47, 496".

Page 924, line 28, *for* "**367**" *read* "**867**".

Page 926, line 14, *against* "Trucks" *insert* "7556".

Page 949, line 22 from bottom, *for* "Agri" *read* "Agriculture be pleased to state".

GIPD—LAD—123LAD—27-9-49—780

GOVERNMENT OF INDIA

MEMBERS OF THE CABINET

The Honourable Pandit Jawaharlal Nehru—Prime Minister and Minister for External Affairs and Commonwealth Relations.

The Honourable Sardar Vallabhbhai J. Patel—Deputy Prime Minister and Minister for Home, Information and Broadcasting and the States.

The Honourable Maulana Abul Kalam Azad—Minister for Education.

The Honourable Dr. John Matthai—Minister for Railways and Transport.

The Honourable Sardar Baldev Singh—Minister for Defence.

The Honourable Shri Jagjivan Ram—Minister for Labour.

The Honourable Mr. Rafi Ahmed Kidwai—Minister for Communications.

The Honourable Rajkumari Amrit Kaur—Minister for Health.

The Honourable Dr. B. R. Ambedkar—Minister for Law.

The Honourable Mr. R. K. Shanmukham Chetty—Minister for Finance.

The Honourable Dr. Syama Prasad Mookerjee—Minister for Industry and Supply.

The Honourable Shri N. V. Gadgil—Minister for Works, Mines and Power.

The Honourable Shri K. C. Neogy—Minister for Commerce.

The Honourable Shri N. Gopalaswami Ayyangar—Minister without Portfolio.

The Honourable Shri Jairamdas Doulatram—Minister for Food and Agriculture.

MINISTER NOT IN THE CABINET

The Honourable Shri Mohan Lal Saksena—Minister for Relief and Rehabilitation.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART I—QUESTIONS AND ANSWERS)

Tuesday, 17th August, 1948

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

DECLARATION BY MEMBERS

The following member made the declaration under Rule 2C:

Dr. Mono Mohon Das (West Bengal: General).

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS.

RESTORATION OF PROPERTIES OF INDIANS IN FRENCH TERRITORIES AND OF FRANCE IN INDIA

256. *Mr. R. K. Sidhva: (a) Will the Honourable the Minister of Commerce be pleased to state whether it is a fact that an agreement has been signed between India and France on the restoration of money and property belonging to the Indian Nationals in Freneh territory and to the French Nationals in Indian territory, which were subjected to war time measures?

(b) If so, do Government propose to lay a copy of the same on the table of the House?

(c) What is the total amount of property so restored?

The Honourable Shri K. C. Neogy: (a) Yes, Sir. The Agreement was signed on the 15th June 1948 by the Honourable the Prime Minister on behalf of the Government of India and by His Excellency the Ambassador of France on behalf of the Government of the French Republic.

(b) A copy of the Agreement was placed on the table of the House on the 9th August 1948.

(c) No property has actually been restored so far. The value of the French property in India which qualifies for restoration in terms of the Agreement amounts to about Rupees one crore and that of the Indian property in French territories amounts to about Rupees nine lakhs.

Prof. N. G. Ranga: Has any effort been made by Government to reach a similar agreement in regard to Indians' properties in the other French territories like Indo-China?

The Honourable Shri K. C. Neogy: I find from the schedule to the agreement itself that Indo-China is included. But I am aware that certain types of property which were frozen formerly by the French authorities have not been covered by this agreement and I think they will form the subject matter of separate negotiations.

Mr. R. K. Sidhva: The Honourable Minister has said that French property in India amounts to about Rupees one crore and the Indian property in French territories amounts to Rupees nine lakhs. May I know these properties are likely to be adjusted?

The Honourable Shri K. C. Neogy: I am afraid it is not a question of adjustment: it is a question of restoration to those to whom the property belonged.

Mr. R. K. Sidhva: When are they likely to get back these properties?

The Honourable Shri K. C. Neogy: The process has started. It may take a little time. That is all that I can say at the moment.

Mr. R. K. Sidhva: Will they give all this property?

The Honourable Shri K. C. Neogy: As far as I am aware, Yes.

Shri H. V. Kamath: Do the measures referred to in part (a) of the question refer to those taken after the fall of France and during the regime of Marshal Petsin?

The Honourable Shri K. C. Neogy: I am afraid I have not undertaken a research on that point.

Shri H. V. Kamath: Has there been any loss or deterioration of the property involved on either side?

The Honourable Shri K. C. Neogy: I must say that seems to me to go slightly beyond the scope of the question.

LOANS TO REFUGEES

257. ***Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state the total number of refugees and the total amount given to them as loans, province-wise?

(b) What is the highest and the lowest amount given to an individual?

(c) What is the percentage of loan money so given for starting trade, profession, business etc.?

(d) Has any sum by way of loan been given to any Co-operative Society?

The Honourable Shri Mohan Lal Saksena: (a) to (c). The information required is being collected and will be placed on the table of the House when received.

(d) Several; in Delhi alone loans have been given to the extent of Rs. 43,000 to Co-operative societies.

Mr. R. K. Sidhva: May I know if the Honourable Minister can give us some approximate idea of the relief given by way of these loans to individuals? What is the total amount given and the highest and lowest to any individual?

The Honourable Shri Mohan Lal Saksena: As I have already said it is difficult to give any idea in the absence of the information which is being collected but the maximum that can be given under the rules is Rs. 5,000 to any individual.

Mr. R. K. Sidhva: How many have such loans been granted?

The Honourable Shri Mohan Lal Saksena: The information is being collected.

RECOVERY OF ABDUCTED WOMEN

258. *Mr. R. K. Sidhva: (a) Will the Honourable Minister Without Portfolio be pleased to state the total number of abducted women recovered during the last four months, April, May, June and July 1948 from West and East Punjab, North-West Frontier Province and Bahawalpur?

(b) What is the approximate number of such women still to be recovered?

The Honourable Shri N. Gopalaswami Ayyangar: (a) The total number of abducted women, including children below twelve years, recovered during the last four months, April, May, June and July 1948, from West and East Punjab, N.W.F.P. and Bahawalpur is 3,880. This figure does not include the 1,9[illegible] women and children who were recovered from the East Punjab States, Delhi and the Matsya Union, during the period in question.

(b) Lists compiled in the past have ceased to be accurate due to the clearance of pockets, the recovery of persons and other causes. The lists were also not compiled accurately, as they contained duplications and repetitions. The total of such lists, however, which we handed over to Pakistan for recovery, was nearly 33,000. Similar lists handed over to us by Pakistan in regard to Muslims to be recovered from India totalled 21,000.

We are taking steps to compile a fresh accurate list and have asked Pakistan to do the same on their side. When these lists are compiled, they will give us accurate information about abducted persons still to be recovered.

Shri H. V. Kamath: Is there any truth in the report that many abducted women on both sides, even when rescued, are reluctant to return to their original homes?

The Honourable Shri N. Gopalaswami Ayyangar: Not many but a certain number are reluctant.

Dr. Bakhshi Tek Chand: Out of the 3,880 recovered, how many have been recovered from East Punjab?

The Honourable Shri N. Gopalaswami Ayyangar: From East Punjab the total number recovered was 2,728.

Shri L. Krishnaswami Bharathi: Is it a fact that most of the women recovered are old and infirm and most of the women to be recovered are young?

The Honourable Shri N. Gopalaswami Ayyangar: We have not segregated old and young women for the purpose of statistics. There is a substantial number of young women who have been recovered. As to young women who have not been recovered we have no information yet.

Shrimati G. Durgabai: May I know how many among the women so recovered are accepted by their relatives and how many are sent to the Refugee Homes?

The Honourable Shri N. Gopalaswami Ayyangar: A great majority—over ninety per cent.—are accepted by their relatives.

Dr. Bakhshi Tek Chand: The figures given by the Honourable Minister indicate that the number of non-Muslim women recovered from West Punjab, the North-West Frontier Province and Bahawalpur is only about 600 during these four months, whereas the number of Muslim women recovered from East Punjab and handed over to West Pakistan is 2,700 or something like that. If this is so, will the Honourable Minister say what is the reason for this disparity and whether any steps have been taken to draw the attention of the West Punjab Government in regard to it?

The Honourable Shri N. Gopalaswami Ayyangar: The figures given by my Honourable friend are not quite accurate. The number of women and children recovered from West Pakistan—that is to say, West Punjab, the North-West Frontier Province and Bahawalpur—is 1,102, whereas the number recovered from the Indian Dominion aggregates to 4,721. That includes, of course, the 1,993 to which I referred in the original answer. The number recovered in West Pakistan is certainly small compared to the number recovered in India. The reason is largely the lack of adequate co-operation from Pakistan.

Shri H. V. Kamath: What are the reasons for the reluctance on the part of some of the rescued women to return to their hearths and homes?

The Honourable Shri N. Gopalaswami Ayyangar: Some of them apparently find their new lives happier.

Shri S. Nijalingappa: May I know what arrangements are made for the protection of the small number of women that has not been accepted by their families?

The Honourable Shri N. Gopalaswami Ayyangar: They are retained in camps and given a sufficient time to persuade themselves, if possible, to return to their original homes. If, after some time, they still persist in wishing to return to their new homes,—they are grown up women—we cannot stand in the way.

Pandit Lakshmi Kanta Maitra: The Honourable Minister said that it was due to lack of adequate co-operation from Pakistan that a larger number could not be recovered from Pakistan. May I know what steps have been taken by this Government to ensure more active co-operation in this respect from Pakistan?

The Honourable Shri N. Gopalaswami Ayyangar: We have protested and protested and drawn the attention of the Pakistan Government to the need for more adequate co-operation being given by their officers and social workers. We sent a telegram—the latest was only about a week ago—and so far, we have not had any response worth mentioning. As a matter of fact, we have even threatened that we will withdraw such establishments as we have in West Pakistan for the purpose of continuing the recovery of abducted women, but that even after that withdrawal we will continue to recover Muslim women who have been abducted in India.

Shri Khurshed Lal: May I know if any efforts are being made to recover abducted women from the Tribal territory, particularly after the Gujarat tragedy, and from such districts as Gujarat and Sialkot?

The Honourable Shri N. Gopalaswami Ayyangar: As regards the Tribal territory and the North West Frontier Province we have no regular organisation for the purpose of helping in the recovery of abducted women. As regards the closed districts we did come to some arrangement with Pakistan by which Pakistan officers themselves undertook to make recoveries and hand over recovered persons to us; but that has not worked as satisfactorily as we had expected.

VISIT OF JAPANESE TRADE MISSION AND IMPORT OF ARTICLES

259. *Mr. R. K. Sidhva: (a) Will the Honourable Minister of Commerce be pleased to state the result of the Japanese Trade Mission which arrived in India in June 1948?

(b) What are the prospects of importing capital goods from Japan after the talks the Honourable Minister had with the Trade Mission?

(c) Is there any likelihood of capital goods being imported from Japan on cash or barter system? If so, what are such articles?

(d) What were the other articles Japan was prepared to offer to India?

(e) Have Government arrived at any understanding with the Japanese Trade Mission?

The Honourable Shri K. C. Neogy: (a) and (b). I may say at the outset that the Mission referred to by the honourable member was sponsored by the Supreme Commander of Allied Powers, SCAP for short, and not by the Japanese Government as such. This Mission's visit was mainly of an exploratory nature and it was not, therefore, possible to arrive at any final settlement regarding the goods which could be imported from Japan. Lists of goods which we require from that country and those which can be exported to that country were, however, furnished to the Mission. This list included the broad categories of capital goods required from Japan.

(c) Initial advices indicate that the SCAP authorities are prepared to try and supply capital goods against our requirements from that country provided supplies to Japan of the essential raw materials could be ensured from India and elsewhere. It is hoped, therefore, that Japan would be able to supply us with substantial quantities of capital equipment of the types produced by her. It is, however, too early as yet to give a precise list of articles, prices and delivery dates in view of the fact that these and other ancillary details are at present under negotiation with the SCAP authorities by an official delegation which visited that country recently.

Generally speaking, however, the capital equipment likely to be available are: (i) Locomotives and freight cars; (ii) Fishing and other vessels (80 tons) and equipment and research vessels (620 tons); (iii) Textile, Paper and Printing machinery and accessories; (iv) Electrical machinery and stores; (v) Button manufacturing machinery and Ice making machinery; and (vi) Machine tools.

(d) Some of the other articles offered are:

Cotton, rayon, silk and woollen textiles and yarn; Ferro-alloys; Menthol, Campher, Pigments and paints; Tea chests, Rubber manufactures; Paper, porcelain, glass and celluloid products; Clocks, Watches, Sewing machines and needles, Umbrella fittings and Bicycles.

(e) No, Sir, except to the extent that Government had agreed to allow exports up to specified quantities of certain articles like raw cotton, raw jute, mica, etc., pending settlement of a long-term arrangement. As pointed out in answer to part (c) above, such an arrangement is at present under negotiation.

Mr. R. K. Sidhva: Arising out of part (b), will the Honourable Minister be pleased to state whether a firm in Bombay is advertising for the sale of Japanese textile machinery for immediate delivery? If so, may I know how many orders have been placed with them by the industrialists? If not, do Government intend to take advantage of that advertisement?

The Honourable Shri K. C. Neogy: I am afraid I have not seen that advertisement. I shall certainly look into it. Perhaps the matter might be within the cognisance of my honourable colleague the Minister for Industry and Supply.

Pandit Lakshmi Kanta Maitra: May I know from the Honourable Minister if he is in a position to give us an idea of the date from which Japan would be able to supply the commodities referred to by him?

The Honourable Shri K. C. Neogy: I am afraid I am not in a position straightway to say when exactly Japan would start her supplies. But I take it that in regard to certain articles she would be in a position to make very early supplies.

Pandit Lakshmi Kanta Maitra: May I also ask if the Government have enquired from the Mission whether they would be in a position to supply us technical personnel in any particular field, if required by the Government of India?

The Honourable Shri K. C. Neogy: This point also was discussed with them, along with other points.

Shri H. V. Kamath: Is there any truth in the report that this SCAP or General MacArthur's protectorate in Japan is placing any obstacles in the way of the industrial recovery and rehabilitation of Japan?

The Honourable Shri K. C. Neogy: As a matter of fact, the reports that are available to India point entirely to the contrary direction.

Shri H. V. Kamath: Is there any reason to fear that by trading with Japan today in the present circumstances under the SCAP arrangement, we would come under the influence of American economy?

The Honourable Shri K. C. Neogy: That is a matter on which I should not like to venture a reply.

Pandit Lakshmi Kanta Maitra: With regard to the reply just given by the Honourable Minister, may I enquire whether the Japanese Trade Mission was actually agreeable to supply technical personnel, if required by India? The Honourable Minister said that there had been some discussion.

The Honourable Shri K. C. Neogy: As a matter of fact, I have already said that the discussions were of an exploratory character. No commitments were made on either side. We merely discussed the various possibilities of our getting mutual aid in regard to these matters. And as I have already stated an official delegation has proceeded to Japan. The officers concerned may be arriving in Delhi within a day or two to report matters. Before I receive their report I am not in a position to add anything very much to what I have already stated.

Mr. R. K. Sidhva: May I know whether the Honourable Minister will be good enough to make enquiries about these advertisements I have referred to, and give information to the House as to whether any orders have been placed by the industrialists and if they have not, what are the reasons?

The Honourable Shri K. C. Neogy: Surely, I will make enquiries.

Shri B. Shiva Rao: Is it a fact that in the meanwhile efforts are made to export goods from India without any reciprocal advantage from the other side?

The Honourable Shri K. C. Neogy: If my honourable friend means the exports to which I have referred, that is to say exports of certain goods which we agreed to make when the SCAP Mission was here, the answer is, "Yes", and as a matter of fact this is not the first time that exports of this kind have taken place; exports of considerable quantities of cotton also took place in 1947.

Shri B. Shiva Rao: I meant export through private negotiations.

The Honourable Shri K. C. Neogy: I am not aware of that. As a matter of fact, I have certain figures before me which go to indicate a few items like raw cotton, raw jute, mica and pig-iron to the export of which we as a Government have agreed.

Shri B. Shiva Rao: Will my honourable friend make enquiries?

The Honourable Shri K. C. Neogy: I will, if my honourable friend would give me any particulars.

Shri Ajit Prasad Jain: May I know what articles, in addition to the few enumerated by the Honourable Minister, are required by Japan from India?

The Honourable Shri K. C. Neogy: They require many other things. But the point is are we in a position to export all that Japan requires? For instance, even in respect of raw cotton or jute, I may point out to my honourable friend that due to the partition of the country we are not in as favourable a position as we were in the past in respect of our capacity to export.

Shri Mihir Lal Chattopadhyay: May I know whether payments for transactions with Japan will be made only in dollar or can be made in sterling also?

The Honourable Shri K. C. Neogy: My honourable friend has raised a rather complicated question and I have got full materials on it. I should not like to give an imperfect summary of the whole position. But if my honourable friend were to put down a Question on the Paper, I would certainly answer the Question with full details.

Acquiring Birla House for the Nation

260. *Shri V. C. Kesava Rao: Will the Honourable Minister of Works, Mines and Power be pleased to state what steps Government have taken to acquire the Birla House for the Nation?

The Honourable Shri N. V. Gadgil: No proposal to acquire the Birla House is under consideration.

Shri L. Krishnaswami Bharathi: May I know whether over one hundred members of this Honourable House made a request in writing to Government to acquire the Birla House?

The Honourable Shri N. V. Gadgil: At least it has not been addressed to me.

The Honourable Pandit Jawaharlal Nehru: My honourable colleague is not in full possession of the facts.

This matter has been considered in its various aspects during the last few months, not perhaps officially by Government but by Members of the Government. Our feeling was that any kind of acquisition of such a building was probably not only not called for, but might be undesirable owing to the circumstances of the case. But it is well-known that there is a very strong desire on the part of large numbers of our countrymen and others to visit this place and to have free access to it. Thereupon I communicated with the owner of the House, Mr. Ghanshyam Das Birla. Mr. Ghanshyam Das Birla offered to abide by any decision that we might arrive at in the matter of that house. Nevertheless, I felt that it would not be proper for me or for my colleagues to arrive at a decision which implied any kind of pressure in such a matter. Ultimately I suggested to him that arrangements should be made to give full facilities to people who wish to visit it, especially that area of the garden where prayers used to take place and where this assassination took place. I understand from Mr. Birla that this has been done. It has been partitioned off and a separate gate is being erected for that. There has been some slight delay about the erection of that gate because of permission of the Improvement Trust or some other authority. I am sorry. I understand that the difficulty has arisen because of the trial that is going on, the Godse trial, which did not want any change made in that particular place till the trial is over. This has caused some delay. But anyhow arrangements have been made for full facilities to be given during certain hours of the morning and evening every day for people to visit it.

Shri K. Hanumanthaiya: Is access also given to the room where Gandhiji used to sit and transact work?

The Honourable Pandit Jawaharlal Nehru: I have no doubt that if a request is made access will be given. But it is a little difficult to make a private house completely, and all the time, accessible to people going to and fro.

Shri K. Hanumanthaiya: It is for that reason, Sir, that we wanted the house to be acquired and placed at the disposal of the people.

Shri Krishna Chandra Sharma: Have the Government any scheme for a memorial there?

The Honourable Pandit Jawaharlal Nehru: I do not know what my honourable friend's idea of a memorial is, but many of us felt that any alteration or erection of anything there would spoil the place. It should be as it is; if it is some very small sign to indicate then it is a different matter, but any erection of a pillar or anything else would spoil that place—it should remain as it is.

Shri L. Krishnaswami Bharathi: May I know if a strong desire, an almost unanimous desire of this House to acquire it was indicated to Mr. Birla by the Honourable the Prime Minister?

The Honourable Pandit Jawaharlal Nehru: I am not aware that this House considered this matter at any time.

Shri L. Krishnaswami Bharathi: I mean members of this House.

Mr. Speaker: Order, order. I am not allowing any further supplementaries on this question.

CHIEF CONTROLLER OF EXPORTS ON DEPUTATION ABROAD

261. *Shri V. C. Kesava Rao: (a) Will the Honourable Minister of Commerce be pleased to state whether it is a fact that the present Chief Controller of Exports was recently sent on deputation outside India?

(b) What are the reasons for this particular Officer to be sent?

The Honourable Shri K. C. Neogy: (a) and (b). I am not clear as to the deputation to which the honourable member refers, as Mr. Jha was deputed first to the United Kingdom to take part in the negotiations with His Majesty's Government in connection with matters of importance concerning Indian Shipping, and subsequently to the Continent as the Leader of our Trade Delegation to Germany, France and Czechoslovakia. His deputation to London to take part in the shipping discussions was considered necessary in view of the intimate knowledge of shipping matters which he had acquired in the Ministry of Commerce prior to his appointment as Chief Controller of Exports, and the fact that he had attended the Inter-Governmental Maritime Convention in Geneva in February and March, last. He was selected as Leader of the Trade Delegation by reason of the practical experience of problems bearing on exports which he had acquired in his capacity as Chief Controller of Exports. Also, as the honourable member is aware, one of the principal objects which this Delegation has in view is the problem of rehabilitating and developing India's trade with Germany and the Continent, and it was considered that Mr. Jha's experience on the export side and generally would stand us in good stead in this respect.

Dr. P. S. Deshmukh: Is it a fact that this officer has also been accompanied by certain merchants and traders?

The Honourable Shri K. C. Neogy: Yes, Mr. Jha is the leader of the delegation and there are a few private industrialists and businessmen who compose the rest of the delegation to Germany, France and Czechoslovakia.

Dr. P. S. Deshmukh: Were they chosen by the Government or did they go on their own accord and at their own expense?

The Honourable Shri K. C. Neogy: They were chosen by the Government in the sense that we consulted the Indian Federation of Chambers of Commerce and other commercial bodies and they sent up a list of names, out of which we made this selection. They are paying their own expenses.

Shri H. V. Kamath: Were any Members of this House associated with this delegation?

The Honourable Shri K. C. Neogy: I do not know whether my honourable friend thinks that in a delegation of this character the Members of the House, as Members, should necessarily be associated.

Shri H. V. Kamath: As people's representatives?

The Honourable Shri K. C. Neogy: That point was never raised by anyone, but I do think that in regard to these matters there is a limit beyond which Government cannot possibly go.

Shri H. V. Kamath: How long will Government continue to be back-ridden by the incubus of bureaucratic tradition?

Mr. Speaker: Order, order. The question need not be answered.

Dr. P. S. Deshmukh: Is the Honourable Minister aware whether these merchants are making any trade contacts for themselves, and is it permissible for them to do so?

The Honourable Shri K. C. Neogy: I am afraid the Question related to a particular officer and I do not know whether my honourable friend intends that I should deal with all that is happening in Germany, France and Czechoslovakia at the instance of the Delegation.

Shri V. C. Kesava Rao: May I know whether this officer is purchasing any machinery for India?

The Honourable Shri K. C. Neogy: No, certainly not. He is expected to make a report to us in regard to the situation there.

Functions of Scientific Research Department

282. ***Shri V. C. Kesava Rao:** Will the Honourable the Prime Minister be pleased to state the functions of the newly established Department of Scientific Research?

The Honourable Pandit Jawaharlal Nehru: The Department of Scientific Research has been established in order to give research a definite identity and the importance that is its due in the modern world. This Department has been placed directly under the Prime Minister. To this Department have been assigned most of the scientific activities which were under the Ministry of Industry and Supply. Scientific work of other Ministries, such as Food, Agriculture, Health, etc., will continue to be carried on by them, but the new Department will endeavour to coordinate all these research activities. Other scientific and research activities may be added to the work of the new Department as and when necessary. Atomic Energy research has already been placed under this new Department. The Council of Scientific and Industrial Research continues as a non-official organisation but will function now under the Department of Scientific Research. A chart of the activities and functions of the Department is laid on the table for the information of the House.

PRIME MINISTER SECRETARY AND PRINCIPAL EXECUTIVE OFFICER

Scientific advice to Government and other departments

Ad Hoc Scientific research in universities and research institutions apart from teaching or permanent grants for pure research

Research Scholarships in applied scientific subjects

Scientific Consultative Committee

Board of Atomic Research

Joint Committee with Travancore Uranium committee of Geological survey.

International Scientific Unions

Council of Scientific and Industrial Research

Board of Scientific and Industrial Research

1. Applied Physics
2. Metals
3. Fuel
4. Cellulose
5. Dyestuffs
6. Plastics
7. Vegetable Oils
8. Essential Oils
9. Leather
10. Atmospherics
11. Building
12. Radio
13. Glass and Refractories
14. Electro-chemical
15. Heavy Chemicals
16. Internal Combustion Engines
17. Drugs and Pharmaceuticals
18. Statistics and Standards
19. Measurement of Geologic time
20. Industrial Fermentation and biological products
21. Vanaspati Research Committee.

Journal of Scientific and Industrial Research

Dictionary of Economic Products and Industrial Resources

Laboratories

1. National Physical Laboratory, Delhi.
2. National Chemical Laboratory, Poona.
3. National Metallurgical Laboratory, Jamshedpur.
4. Fuel Research Institute, Dhanbad.
5. Central Glass and Ceramic Research Institute, Calcutta.
6. Road Research Institute, Delhi.
7. Building Research Station, Roorkee.

Shri M. Tirumala Rao: Has Government got any idea as to how far the results so far achieved by this Department of Industrial and Scientific Research relate to the actual development of the country in its various activities?

The Honourable Pandit Jawaharlal Nehru: The Department has been in existence a few weeks. Is the Honourable Member referring to this few weeks development or previous to that?

Shri M. Tirumala Rao: I would like to explain. Apart from this Department, the Council of Scientific and Industrial Research.....

Mr. Speaker: Order, order. That is a different thing, and many questions have been put in this House.

Pandit Lakshmi Kanta Maitra: May I enquire of the Honourable the Prime Minister if the idea of this Research Board is to plan out research and to bring about coordination and not to carry on independent research under its own Department?

The Honourable Pandit Jawaharlal Nehru: We are talking about a Department. Under the Department there are numerous Laboratories—official Laboratories—there are those connected with Universities doing research work. Normally research is done either in these Government Laboratories or aided research in the Universities.

Pandit Lakshmi Kanta Maitra: May I take it that the main intention of this Industrial Research Board is to coordinate the research work done in the Univeraities and elsewhere and to plan out research as such and not to carry on independent research work on its own initiative?

The Honourable Pandit Jawaharlal Nehru: The Department as such consists, I suppose, of a number of people sitting in a few rooms in a part of the Secretariat or some other building. We do not do any research there obviously. The research is done by the Laboratories under that Department and huge Laboratories have grown up and are growing up *plus* those in Universities which are connected with it.

Shri H. V. Kamath: Is there, Sir, one unified Directorate to coordinate the activities of the various Branches of Scientific research?

The Honourable Pandit Jawaharlal Nehru: I am sorry, if I may be permitted to say so, some of the honourable members are not very much acquainted with science.

PLANS FOR RE-ORGANISATION OF INDIAN SCHOOL OF MINES AT DHANBAD

263. *Shri V. C. Kesava Rao: Will the Honourable Minister of Works, Mines and Power be pleased to state the plans for the re-organisation of the Indian School of Mines at Dhanbad?

The Honourable Shri N. V. Gadgil: The re-organisation of the School has been planned (i) to extend the activities of the School, (ii) to increase the annual intake of students, and (iii) generally to raise the standard of the School by the provision of adequate staff and equipment as recommended by the Re-organisation Committee of the Indian School of Mines, Dhanbad.

Prof. N. G. Ranga: How many are being trained in this school every year?

The Honourable Shri N. V. Gadgil: Originally 24 were taken every year. Now for these three years from 1948, 48 will be taken and from 1951 the full quota of 60 recommended by the Re-organisation Committee will be taken.

Shri V. C. Kesava Rao: May I know on what basis the selection is made?

The Honourable Shri N. V. Gadgil: Applications are invited and the main principle is the principle of merit.

Shri M. Ananthasayanam Ayyangar: Does the re-organisation consist of giving instructions so that the students may appear and get degrees of Universities instead of merely getting diplomas?

The Honourable Shri N. V. Gadgil: The matter is under consideration, because it is one of the recommendations of the Re-organisation Committee that the diploma should be considered for all purposes as a Degree equivalent to M.Sc.

Pandit Lakshmi Kanta Maitra: May I just enquire if the School of Mines, Dhanbad, are also going to institute research in regard to fuel?

The Honourable Shri N. V. Gadgil: I require notice of that.

EXPENDITURE ON RELIEF AND REHABILITATION OF REFUGEES

264. ***Prof. K. T. Shah:** Will the Honourable Minister of Relief and Rehabilitation be pleased to state what is the total cost of Relief and Rehabilitation from 15th of August, 1947 upto date or till the last date up to which figures are available?

The Honourable Shri Mohan Lal Saksena: The information is being collected and will be placed on the table in due course.

Dr. P. S. Deshmukh: Has the Honourable Minister and his Ministry got any information at all?

The Honourable Shri Mohan Lal Saksena: The information received is not obviously correct because we have not received the full details from the people concerned since beginning. We have not also received any statement of expenditure from Bombay and U.P. where the honourable member must be aware there is a large number of refugees.

***Mr. Speaker:** Next Question.

Pandit Hirday Nath Kunzru: What is the expenditure *minus* these two Provinces?

Mr. Speaker: I am calling the next Question.

REHABILITATION OF REFUGEES IN PROVINCES AND STATES

265. ***Prof. K. T. Shah:** Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) the names of Provinces and States which have agreed to absorb refugees;

(b) in what manner they propose to absorb them; and

(c) what financial arrangements have been made with and what other facilities have been granted to those States and Provinces who have agreed to take and absorb the refugees?

The Honourable Shri Mohan Lal Saksena: (a) Provinces and States have agreed to absorb thirty two lakhs of refugees and their allocations are: Bombay—four lakhs, U.P.—three lakhs, C.P.—three lakhs, Matsya Union—one lakh, Bikaner—fifty thousand, Ajmer—fifty thousand, Udaipur—one lakh, Jaipur—one lakh, Malwa Union—two lakhs, Delhi—one lakh, Saurastra—one lakh, Jodhpur—fifty thousand, Vindhya Pradesh—fifty thousand, East Punjab and East Punjab States have agreed to absorb thirteen lakhs in addition to rural refugees.

(b) Provinces and States will no doubt resettle the urban refugees in cities and towns and rural refugees on land.

(c) In respect of relief the Provinces and States are expected to meet whatever expenditure they can from their own resources and from amounts received by voluntary contributions. The balance is borne by the Government of India.

For the purpose of rehabilitation, the Provinces and States are given ways and means advances to meet the loans given to refugees. The Government of India have agreed to share any *bona fide* losses on loans which may become irrecoverable. In respect of any other rehabilitation schemes the expenditure on which cannot be met from Provincial resources the Government of India will be prepared to consider such schemes separately on their merits. Assistance to Provinces and States is also given by means of increased quotas of building materials, railway priorities and expert advice.

Prof. K. T. Shah: May I enquire if the Honourable Minister is aware that in the State of Cutch which is now part of the Indian Union an enclave territory or a colony is formed from refugees hailing from a particular province by land being allotted to them or sold to them and that it is to be a colony entirely of refugees from that particular province?

The Honourable Shri Mohan Lal Saksena: I have not been able to follow the Question. It is about Cutch?

Mr. Speaker: Yes, about Cutch.

The Honourable Shri Mohan Lal Saksena: The scheme is already there. It has not been sanctioned because unless it is decided by the Transport Department whether they are going to have a port there or not, it is not possible for us to finalise the scheme.

Prof. K. T. Shah: May I enquire if the scheme had been sanctioned by the previous Maharaja of Cutch?

The Honourable Shri Mohan Lal Saksena: Well, some land was made available by the previous Maharaja of Cutch. That is all.

Shrimati G. Durgabai: May I know, Sir, whether it is a fact that the number of refugees going to Madras is far below the number that the Madras Government has agreed to absorb and is capable of absorbing? If so, what are the reasons?

The Honourable Shri Mohan Lal Saksena: The reason is obvious: It is unwillingness on the part of the refuges from West Pakistan to go to Madras and further south.

Shrimati Renuka Ray: Is it a fact that in some cases in preference to genuine refugees from West Punjab land has been allotted to those who have had land in West Punjab, lent have lived outside and who have had other means of livelihood and support and who do not need rehabilitation in that sense?

The Honourable Shri Mohan Lal Saksena: I am not aware of these cases. But it may be that there may be some cases where they have been allotted to those who have other means of livelihood.

Shrimati Renuka Ray: Would the Honourable Minister kindly look into this matter, scrutinize complaints where such things have been done, so that there may be justice in these allotments.

The Honourable Shri Mohan Lal Saksena: I can assure the honourable member that so far as the Centrally administered areas are concerned, no such case can be cited; as regards other provinces the honourable member should be aware that they are practically autonomous and the question should be raised in the respective Provincial Legislature concerned.

Shrimati Renuka Ray: But since the Government of India have spent a good deal of money on the East Punjab Government for rehabilitation, could not the Government of India also bring pressure to bear in this matter?

The Honourable Shri Mohan Lal Saksena: The Government of India can give only advice and the suggestion made by the honourable member will be conveyed to the Punjab Government.

Shri Mihir Lal Chattopadhyay: From the list of names of Provinces and States read out by the Honourable Minister, I find no name of any Province or any State in the eastern part of India. Am I to understand that the Provinces and States in the eastern part of India have not agreed to absorb any refugee from Eastern Pakistan?

The Honourable Shri Mohan Lal Saksena: No. The honourable member must be aware that this allocation relates to refugees from West Pakistan and these provinces were deliberately left out because for the purposes of rehabilitating the refugees from East Pakistan, that is, Bihar, Orissa, Assam and West Bengal.

Shri Ajit Prasad Jain: What is the total amount of money allocated to the provinces by the Government of India for relief and rehabilitation so far?

The Honourable Shri Mohan Lal Saksena: Well, in a subsequent question, I am giving an answer.

Shri Ajit Prasad Jain: May I know whether the Government of India keeps any watch or supervision over the relief and rehabilitation activities of the provinces?

The Honourable Shri Mohan Lal Saksena: In a way it does, but for effective supervision, we have in contemplation the appointment of Liaison officers.

Shri H. V. Kamath: In cases where refugees are unwilling to disperse themselves in different parts of India, in response to Government's appeal, does Government intend to force them to do so?

The Honourable Shri Mohan Lal Saksena: The Government has no such intention.

Shrimati Renuka Ray: May I ask the Honourable Minister if the Provinces of Bihar, Orissa and Assam agreed to take in refugees and has any quota been given to them?

The Honourable Shri Mohan Lal Saksena: We have not any hopes regarding definite allotments; we shall have a conference of the representatives of provinces concerned to find out the exact number of refugees to be rehabilitated from East Bengal.

Shri Satish Chandra: Is there a proposal in East Punjab to arrange a state lottery to raise funds for the rehabilitation of refugees from all over the world through special emissaries, canvassers and officers to be sent to foreign countries including U.S.A. and Switzerland for this purpose?

The Honourable Shri Mohan Lal Saksena: Yes. I also read of it in the papers that there was such a scheme and this scheme has not been finalised.

RETURN OF MUSLIMS FROM PAKISTAN

†266. *Sardar Bhopinder Singh Man: (a) Will the Honourable Minister Without Portfolio be pleased to state, whether it is a fact that Muslims who had migrated to Pakistan have been daily returning to India during the last few months in large numbers?

(b) What is their approximate number so far?

(c) Is it a fact that with a view to discourage this one-way traffic a permit system was introduced?

(d) Is it a fact that in spite of this permit system, this one-way traffic still continues especially through Bombay and from Lahore to Delhi by air?

(e) What are the conditions under which a Muslim is allowed to return to India?

(f) Is it a fact that the same number of Hindus and Sikhs are not returning to Pakistan as Muslims who are returning to India?

The Honourable Shri N. Gopalaswami Ayyangar: (a) and (c). Yes. Ever since the month of March, 1948 Muslims have been returning in considerable numbers to the Indian Dominion, but there has been no corresponding return of non-Muslims from India to Pakistan. The Government of India could not allow this one way traffic which was interfering with the rehabilitation of the refugees to continue uncontrolled. Repeated suggestions were made to the Pakistan Government to negotiate an agreement under which members of minorities in either Dominion who wished to return to their original homes in the other Dominion could do so on a planned governmental basis but the Government of India received no reply to these from Pakistan. The Government of India were therefore compelled to introduce a system of permits for journeys from Western Pakistan to India. The system came into force with effect from the 19th July, 1948. No restrictions whatsoever have been placed upon journeys between Eastern Pakistan and India.

(b) No reliable figures are available of the Muslims who returned to India before the introduction of the permit system, but even according to the figures supplied by the Pakistan Minister of Refugees at a Conference nearly 52,000 Muslims returned to India during 3 months (April to June), by the Jodhpur route only. During the period 19th July, 1948 up to the 5th August, 1948, our Deputy High Commissioner in Lahore issued temporary permits to about 1,501 Muslims. The High Commissioner at Karachi has reported that speaking generally about 300 permits are issued daily to Muslims from Karachi.

(d) Only those who hold permits can return to India by air.

(e) (i) Those who wish to come to India on temporary visits have to state the purpose of their visits, the stations to be visited and their addresses in India.

(ii) The applications of those who wish to return to India for permanent resettlement have to be referred to the Province or State in which they wish to settle down. It is only if the Province or State concerned agrees to take back the persons concerned that permits for permanent resettlement can be issued. The High Commissioner and the Deputy High Commissioner are required to see personally that these conditions are fulfilled before issuing a permit for permanent resettlement.

(iii) Government officers and business men who have frequently to travel between the two dominions on duty or on business are to be given permanent passes signed by the authorised officers.

(f) Government have no data of the number of non-Muslims returning to Pakistan but it is generally believed that no non-Muslims are returning to Pakistan for resettlement, and very few go for business and other purposes.

†Answer to this question laid on the table, the questioner being absent.

HOUSING REFUGEES IN DELHI

267. *Shri Kishorimohan Tripathi: (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state as to what arrangements Government have made for housing refugees in Delhi?

(b) Is it a fact that Government continue to keep such housing accommodation in Delhi vacant as has been left behind by Muslims who have gone over to Pakistan?

(c) How many of such houses as are referred to in part (b) above may be available for housing refugees?

(d) What are the reasons for not making use of the said accommodation for housing refugees?

The Honourable Shri Mohan Lal Saksena: (a) I place on the table of the House a statement showing various Schemes for the housing of refugees in Delhi.

(b) No.

(c) All evacuee residential property which has been taken over by the Custodian is in the occupation of refugees. Residential accommodation which may come into the possession of the Custodian of Evacuee Property as a result of survey now in progress will also be used for housing refugees. The estimated availability is very small.

(d) Does not arise.

Statement

showing the various schemes which the Rehabilitation and Development Board have undertaken for the rehabilitation of refugees in Delhi

A. 1. *New Delhi Northern Extension Scheme.*—It was decided initially to construct 3,200 houses but now some modifications in the type plans of the houses have been approved and there may be a slight decrease in the number of houses to be finally built in this area.

Tenders for 1,900 houses have been accepted and the construction is going on. Houses would be rented out to refugees.

2. *Shadipur Scheme.*—About 4,000 plots would be leased to refugees. The construction would be carried out by the refugees themselves. The development of the land in Shadipur is to be taken in hand by the Central P. W. D. very soon.

3. *Malkaganj Scheme.*—275 plots will be available for allotment to refugees. Very little development is required. The Ministry of Health has been addressed to arrange for the formal transfer of land from Notified Area Committee to the Rehabilitation and Development Board. The Chief Commissioner has been requested to start the work of allotment of plots.

4. *Nizamuddin Scheme.*—230 plots will be available for allotment to refugees. Development of the land is in hand with the help of Bull-dozers. After development the plots will be allotted to refugees.

5. *Jangpura Scheme.*—About 2,000 plots for houses will be available in this scheme. Ministry of Health has been addressed to arrange for the transfer of land from Delhi Improvement Trust to the Rehabilitation and Development Board.

6. *Regharpura Scheme.*—Land has been secured for 500 houses for Harijans to be constructed at a cost of about Rs. 3 lakhs and construction is in progress. The houses will be allotted to Harijan refugees from Sind on rent on time purchase system.

7. *Kingsway Camp.*—2,000 mud houses are proposed to be put up. Some of them are being constructed at the moment by the Central Relief Committee. It has been suggested that these be purchased and alloted to refugees.

8. *Frozen Plots.*—357 plots in the Western Extension have been frozen. The procedure about their allotment to refugees has been decided upon and a Press Note to this effect has been issued. These plots will be leased out to refugees on 90 years lease.

9. *Plot 'G' on Delhi Mathura Road.*—The layout plan of 'G' has been received from the Land and Development Officer and is under consideration by the Board. Provision has been made for about 120 plots on double storeyed basis. Town Planning Officer of C. P. D. is preparing another layout plan.

10. *Sheikhserai.*—Scheme for setting up a satellite township at Sheikhserai has been approved. Water supply to this township is to be led from Yamuna river above the Okhla Weir. The U. P. Government have agreed to the temporary withdrawal of water from Yamuna. The Government of India have accorded administrative approval and expenditure sanction for the development works for Rs. 1,02,94,000.

11. *Plot 'B' and 'C' in Lodi Golf Links.—Plot 'B'.*—Plot is lying vacant and is under the charge of New Delhi Municipal Committee. The Board have a scheme to utilize the plot for middle class refugees. The Town Planner of Central P. W. D. has been asked to prepare a layout plan for this plot on the basis of multi-storeyed buildings.

Plot 'C'.—Land and Development Officer has been furnished with the details the Board have in view for the utilization of the plot. It is to be placed before the Standing Advisory Committee at its next meeting to consider Board's proposal.

12. *Other Vacant Plots.—Nazul Land near Nizamuddin Village and Land near Azamgarh.*—This land is under the control of Land and Development Officer, Delhi, who has reported that there is a proposal for allocation of this land to the Road Research Institute and its proposal will be taken up by the Standing Advisory Committee at its next meeting. Chief Commissioner, Delhi, and Works, Mines and Power Ministry have been requested that the Board's proposal for utilising these plots for refugees should also be considered along with other proposals.

13. *Blue Areas.*—Reference has been made to the Ministry of Works, Mines and Power and Defence if these areas could be made available to Rehabilitation and Development Board for housing schemes of refugees. Their replies are awaited.

B. Evacuee residential property which has been taken over by the C. E. P.

Shri H. V. Kamath: Has the Government of Pakistan kept vacant houses vacated by Hindus and Sikhs in Pakistan?

The Honourable Shri Mohan Lal Saksena: I do not see how it arises from this question.

Mr. Speaker: Order, order. It may be left to the Chair to decide.

The Honourable Shri Mohan Lal Saksena: I am not aware that they have been kept so far vacant.

Shri H. V. Kamath: Is it not a fact, Sir, that not only these houses vacated by Hindus and Sikhs in Pakistan have been forcibly occupied, but even rents are not paid to the owners of the houses.

The Honourable Shri Mohan Lal Saksena: The honourable member presumes that the rent is being collected in Pakistan by the Custodian.

Shri H. V. Kamath: When will Government learn that in Inter-State, no less than in international dealings a vigilant reciprocity is far more effective, more realistic . . . . . .

Mr. Speaker: Order, order. The honourable member is urging an argument.

Rehabilitation of Refugees on Reclaimed Lands

268. *Shri Kishorimohan Tripathi: (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state whether it is a fact that Government propose to rehabilitate agriculturist refugees on lands which are being reclaimed in the different provinces?

(b) If so, do Government propose to consider the desirability of introducing collective farming along with the said rehabilitation work?

The Honourable Shri Mohan Lal Saksena: (a) Agriculturist refugees are being rehabilitated both on cultivated and reclaimable uncultivated land.

(b) Reclaimed lands are being allotted to refugees on group and co-operative basis in the United Provinces, Central Provinces, West Bengal, Bombay and some other parts of the Indian Union.

Shri Ajit Prasad Jain: May I know what is the total acreage which has been allotted to the refugees out of the reclaimed land so far?

The Honourable Shri Mohan Lal Saksena: I shall require notice of that question.

TRAINING NEW ENTRANTS TO DIPLOMATIC SERVICES

269. *Shri R. R. Diwakar: (a) Will the Honourable the Prime Minister be pleased to state whether arrangements have been made to give specialised regular training to those who enter the Diplomatic Services of the Government of India?

(b) If so, what is the number of persons undergoing such training?

(c) Is the staff, permanent or temporary, of our Foreign Embassies, Diplomatic Services, and Delegations wholly Indian; and, if not, why not?

The Honourable Pandit Jawaharlal Nehru: (a) Those who enter the Foreign Service through the open competitive examination are given specialised training. Candidates above 25, who are recruited after interview by the Public Service Commission or by the Special Selection Board, are attached to, and given training at, the Headquarters of this Ministry or our Missions abroad.

(b) Five are undergoing specialised training. In addition 64 over-aged have been selected for the Foreign Service and are being attached to the Headquarters or our Missions abroad.

(c) All diplomatic officers, and senior officials in gazetted service abroad, are of Indian nationality. A limited number of non-Indians have been employed in the following categories of posts:

(i) posts of Interpreters, Translators, etc., for which Indians of suitable qualifications were not available.

(ii) a proportion of junior ministerial posts of a purely temporary nature.

(iii) Class IV servants such as Messengers, peons, etc.

Non-Indians are appointed in the above categories of posts after taking into consideration all relevant factors, *e.g.*, administrative convenience, economy and security.

Prof. N. G. Ranga: Is it not a fact, Sir, that a large proportion of these junior officials happen to be foreigners, especially in the American Indian Embassy?

The Honourable Pandit Jawaharlal Nehru: I cannot give the proportion, but I may point out that no senior post is held by a non-Indian. As for very junior posts, apart from the difficulty of a sudden change-over, we have not been able to find really suitable persons. For instance, for some of the junior posts, the type of persons who would be very suitable here is not suitable in America unless we give him a special training to fit into that environment; some of the members we have had to call back very rapidly in order to give the training.

Prof. N. G. Ranga: Is it not a fact that almost all the typists, shorthand typists and personal secretaries happen to be foreigners and not Indians there in America?

The Honourable Pandit Jawaharlal Nehru: In the way the question is put, the answer is "No".

Shri M. Ananthasayanam Ayyangar: May I know if there is any programme over a period of years to train interpreters also, so that all the officers, subordinates and superior in our Embassies may be Indian nationals?

The Honourable Pandit Jawaharlal Nehru: Of course all these men who are taken into this service are being trained as interpreters, etc. Honourable members will remember that in regard to certain appointments normally almost every embassy has to take in some non-nationals because of the enormous extra cost involved. It is not considered worth while to do so. In other cases there is the peculiar difficulty of finding suitable men acquainted with foreign conditions: it is not enough for instance for a person to be a good stenographer, as there are plenty here; we have to train him to fit in those particular circumstances and as a matter of fact the change-over has been fairly rapid and it is going on from day to day.

Pandit Balkrishna Sharma: Arising out of the Honourable Premier's answer to part (b) in which he says that some over-aged men have also been recruited, is it a fact that some people who do not even hold University Degrees, not to say anything about First Class Degrees, have been recruited to foreign service?

The Honourable Pandit Jawaharlal Nehru: Yes.

Shri H. V. Kamath: Is it not a fact that the American and Russian Embassies all over the world are staffed entirely by their own nationals, in junior ministerial offices or otherwise?

The Honourable Pandit Jawaharlal Nehru: Not completely.

Shri V. S. Sarwate: May I know whether persons who come from the Indian States are also allowed to appear in the competitive examinations?

The Honourable Pandit Jawaharlal Nehru: Yes.

Shri Moturi Satyanarayana: May I know whether the Government have any intention of starting or encouraging institutions teaching international languages, in view of the fact that our people have got to be acquainted with their conditions, language and literature?

The Honourable Pandit Jawaharlal Nehru: We are encouraging this in the existing Universities. It is possible that new institutions may be started.

Shri R. R. Diwakar: May I know if in the matter of confidential correspondence and other confidential matters which the embassies have to deal with, only our nationals are employed?

The Honourable Pandit Jawaharlal Nehru: That is so. Every effort is made to that end.

Prof. N. G. Ranga: Is it not a fact that there are non-nationals employed in regard to sending cipher messages to the Government of India?

The Honourable Pandit Jawaharlal Nehru: That may be so in some places. In regard to cipher messages again, we are now going through a process of training cipher experts. We cannot produce an expert immediately. We are training them. We have ultimately to change our ciphers also which are often common ciphers.

Shri Biswanath Das: In view of the fact that non-nationals are not being employed in embassies by any State, would the Government be pleased to think of giving a short term course of training to our officials and put them in charge of all these important and unimportant embassies?

The Honourable Pandit Jawaharlal Nehru: All the Diplomatic officers are Indians. We are now talking of clerical staff and not of the Diplomatic staff. It is only the clerical staff which is sometimes non-Indian.

Begum Aizaz Rasul: Is it a fact that married women have been debarred from joining foreign service; and, if so, why?

The Honourable Pandit Jawaharlal Nehru: No. Married, unmarried, and widowed women of any status all can apply and may be chosen provided they are suitable.

Mr. Speaker: Next question?

Shri Biswanath Das: Just a small point, Sir.

Mr. Speaker: Order, Order. Next question.

INDIAN CONSULS AT GOA AND PONDICHERRY

270. *Shri R. K. Diwakar: (a) Will the Honourable the Prime Minister be pleased to state who are the Indian Consuls at Goa and Pondicherry now?

(b) Are they independent of each other and what are their relations, if any?

(c) If one is subordinate to the other, why is it so?

The Honourable Pandit Jawaharlal Nehru: (a) Mirza Rashid Ali Baig is Consul-General for India both in the French Establishments and in the Portuguese Possessions in India, with headquarters at Pondicherry. Mr. Pestonji Nasserwanji Driver is Consul at Goa.

(b) No. The Consul at Goa is under the jurisdiction of the Consul-General at Pondicherry.

(c) From the administrative ponit of view it is sufficient for one officer to hold charge of both posts of Consul-General. Since the Consul-General resides in Pondicherry, a Consul who is subordinate to him has been stationed in Goa.

271--273. [CANCELLED.]

LEGISLATION FOR LABOUR WELFARE

274. *Shri R. K. Diwakar: (a) Will the Honourable Minister of Labour be pleased to state the names of the Acts passed and the Bills pending since 1938 in connection with labour welfare and for the benefit of labourers both in the Constituent Assembly (Legislative) and in the Provincial Assemblies?

(b) Have Government any machinery through which labourers are educated so as to enable them to reap the highest benefit under the legislation referred to in part (a) above?

(c) Are Government aware that misleading propaganda among the labourers that the present Government is capitalistic, is carried on by certain political parties?

(d) If so, what steps are being taken by Government to educate labour along right lines?

(e) Do Government propose to consider the necessity of publishing all labour legislation passed since 1938 in all important languages of India?

The Honourable Shri Jagjivan Ram: (a) A statement showing the Acts passed and the Bills pending since 1938 in the Constituent Assembly (Legislative) and in the Provincial Assemblies on the basis of the information available with the Central Government is placed on the table of the House.

(b) Yes. Officers of the Labour Ministry and of the Labour Departments of the Provincial Governments use every opportunity to make the provisions of the various Acts known to the workers and their leaders. Adequate publicity is given to the provisions of the Acts when they are passed. These measures may not be adequate. Proposals therefore to translate Labour Acts into the more important Indian languages and to issue pamphlets containing the activities of the Labour Department are under consideration.

(c) Yes

(d) and (e). The answer to (b) covers the points raised.

Statement—

A—Central Acts

(i) ACTS

1. Employer's Liability Act, 1938	(XXIV of 1938).
2. Employment of Children Act, 1938	(XXVI of 1938).
3. Coal Mines Safety (Stowing) Act, 1939	(XIX of 1939).
4. The Motor Vehicles Act, 1939	(No. IV of 1939).
5. The Mines Maternity Benefit Act, 1941	(No. XIX of 1941).
6. The Weekly Holidays Act, 1942	(No. XVIII of 1942).
7. The Industrial Statistics Act, 1942	(No. XIX of 1942).
8. The War Injuries (Compensation Insurance) Act, 1943	(No. XXIII of 1943).
9. The Industrial Employment (Standing Orders) Act, 1946	(No. XX of 1946).
10. The Mica Mines Labour Welfare Fund Act, 1946	(No. XXII of 1946).
11. The Industrial Disputes Act, 1947	(No. XIV of 1947).
12. The Coal Mines Labour Welfare Fund, Act, 1947	(No. XXXII of 1947).
13. The Minimum Wages Act, 1948	(No. XI of 1948).
14. The Employees State Insurance Act, 1948	(No. XXXIV of 1948).
15. The Dock Worker's (Regulation of Employment) Act, 1948	(No. XX of 1948).
16. The Workmen's Compensation (Amendment) Act, 1938	(No. IX of 1938).
17. The Trade Disputes (Amendment) Act, 1938	(No. XVII of 1938).
18. The Workmen's Compensation (Amendment) Act, 1939	(No. XIII of 1939).
19. Cotton Ginning and Pressing Factories (Amendment) Act, 1939	(No. XIV of 1939).
20. The Employment of Children (Amendment) Act, 1939)	(No. XV of 1939).
21. The Workmen's Compensation (Second Amendment) Act, 1939	(No. XLII of 1939).
22. The Coal Mines Safety (Stowing) Amendment Act, 1940	(XI of 1940).
23. The Factories (Amendment) Act, 1940	(No. XVII of 1940).
24. The Indian Mines (Amendment) Act, 1940	(No. XXIV of 1940).
25. The Factories (Amendment) Act, 1941	(No. XVI of 1941).
26. The Workmen's Compensation (Amendment) Act, 1942	(No. I of 1942).
27. The Indian Boilers (Amendment) Act, 1942	(No. V of 1942).
28. The Cotton Ginning and Pressing Factories (Amendment) Act, 1942	(No. IX of 1942).
29. The Indian Boilers (Amendment) Act, 1943	(No. XVII of 1943).
30. The Mines Maternity Benefit (Amendment) Act, 1943	(No. XVIII of 1943).
31. The Motor Vehicles (Drivers) Amendment Act, 1943	(No. XIX of 1943).
32. The Coal Mines Safety (Stowing) Amendment Act, 1944	(No. III of 1944).
33. The Factories (Amendment) Act, 1944	(No. XIV of 1944).
34. The Factories (Amendment) Act, 1945	(No. III of 1945).
35. The Mines Maternity Benefit (amendment) Act, 1945	(No. X of 1945).
36. The Workmen's Compensation (Amendment) Act, 1946	(No. I of 1946).
37. The Indian Mines (Amendment) Act, 1945	(No. II of 1946).
38. The Factories (Amendment) Act, 1946	(No. X of 1946).
39. The Factories (Amendment) Act, 1947	(No. V of 1947).
40. The Indian Boilers (Amendment) Act, 1947	(No. XXXIV of 1947).
41. The Indian Trade Unions (Amendment) Act, 1947	(No. XLV of 1947).

(ii) PENDING BILLS

1. The Factories Bill	Official.
2. The Prevention of Free or Forced or Compulsory Labour Bill	Non-official.
3. The Workers' Provident Fund Bill	Non-official.

B. Provincial Acts

(i) ACTS

BOMBAY

1. Bombay Industrial Disputes Act, 1938	(No. XXV of 1938).
2. Bombay Shops and Establishments Act, 1939	(No. XXIV of 1939).
3. Bombay Industrial Disputes (Amendment) Act, 1941	(No. X of 1941).
4. Bombay Industrial Disputes (Amendment) Act, 1942	(No. XVI of 1942).
5. The Bombay Industrial Disputes (Amendment) Act, 1945	(No. XIX of 1945).
6. Bombay Industrial Relations Act, 1946	(No. XI of 1947).
7. Bombay Adjudication Proceedings (Transfer and Continuance) Act, 1947	(No. XXXIV of 1947).
8. Bombay Industrial Relations (Amendment) Act, 1948	(No. XLIII of 1948).

MADRAS

1. The Madras Maternity Benefit (Amendment) Act, 1939	(No. XVI of 1939).
2. The Madras Workmen's Protection Act, 1941	(No. XXIII of 1941).
3. Factories (Amendment) Madras Act, 1941	(No. VI of 1941).
4. The Madras Non-Power Factories Act, 1947	(No. XXXVII of 1947).
5. The Madras Shops and Establishment Act, 1947	(No. XXXVI of 1947).

THE CENTRAL PROVINCES AND BERAR

1. The C. P. and Berar Collection of Statistics Act, 1939	(No. XXXIV of 1939).
2. The Central Provinces and Berar Factories (Amendment) Act, 1939	(No. XXXVI of 1939).
3. The Central Provinces and Berar Shops and Establishment Act, 1947	(No. XXII of 1947).
4. The Central Provinces and Berar Industrial Disputes Settlement Act, 1947	(No. XXIII of 1947).
5. The Central Provinces and Berar Cotton Ginning and Pressing Factories (Amendment) Act, 1947	(No. XIII of 1947).
6. The Central Provinces and Berar Cotton Ginning and Pressing Factories (2nd Amendment) Act, 1947)	(No. XLVII of 1947).
7. The Central Provinces and Berar Validation of Wards and Continuance of Proceedings (Industrial Disputes) Act, 1947	(No. XXXVI of 1947).

BENGAL

1. The Bengal Maternity Benefit Act, 1939	(No. IV of 1939).
2. The Bengal Rural Poor and Unemployed Relief Act, 1939	(No. X of 1939).
3. The Bengal Shops and Establishment Act, 1940	(No. XVI of 1940).
4. The Bengal Workmen's Protection (Amendment) Act, 1940	(No. VI of 1940).
5. The Bengal Rural Poor and Unemployed (Amendment) Act, 1941	(No. II of 1941).

ASSAM

The Assam Maternity Benefit Act, 1944	(No. I of 1944).

UNITED PROVINCES

1. The U. P. Maternity Benefit Act, 1938 . . (No. IV of 1938).
2. The U.P. Shops and Commercial Establishment Act, 1947 (No. XXII of 1947).
3. The U. P. Industrial Diputes Act, 1947 . . . (No. 28 of 1947).

PUNJAB

1. Factories (Punjab Amendment) Act, 1940 . . . (No. VII of 1940).
2. The Punjab Trade Employees Act, 1940 . . . (No. X of 1940).
3. The Punjab Maternity Benefit Act, 1943 . . . (No. VI of 1943).

BIHAR

1. The Bihar Maternity Benefit Act, 1945 . . . (No. III of 1945)
2. The Bihar Essential Services (Maintenance) Act 1947 . (No. I of 1948).

ORISSA

The Orissa Compulsory Labour Act, 1948 . . (No. X of 1948).

(ii) PENDING BILLS

BIHAR

1. The Bihar Workmen's Protection Bill.
2. The Code of Civil Procedure (Bihar Amendment) Bill.

Prof. N. G. Ranga: Will the Government consider the advisability of issuing a small book giving the relevant sections and also the important provisions of these laws that have been passed in regard to the welfare of labour, right up-to-date?

The Honourable Shri Jagjivan Ram: I have already answered that.

Babu Ramnarayan Singh: What are the practical steps which are being taken in the various coal fields and mica fields to give effect to the provisions of the Bills just mentioned?

The Honourable Shri Jagjivan Ram: As the honourable member is aware, there is a Coal Mines Welfare Fund, and a Coal Mines Welfare Commissioner. We have the organisation under the Commissioner which is carrying on various welfare activities among the coal miners in the coal fields of Bihar, Bengal and Central Provinces.

Babu Ramnarayan Singh: What is the step which is taken at Kodarma, in the mica fields?

The Honourable Shri Jagjivan Ram: We have some officers there. We have the mobile dispensary; we have set apart some beds in the Hospital for the miners, and things like that. The honourable member may refer to the report that is published by the Welfare Commissioner and he will know the details of the activities.

Shri V. S. Sarwate: May I know whether any measures have been taken to wean the labourers from the habit of drink

The Honourable Shri Jagjivan Ram: That question may very well be referred to the provincial Government. Prohibition is a provincial subject.

Shri Ajit Prasad Jain: May I know whether the Government can give us any statistics of the number of persons who are from time to time benefited by the different provisions of labour legislation?

The Honourable Shri Jagjivan Ram: It is very difficult to maintain such statistics.

GRANT OF LOANS TO REFUGEES BY PROVINCES

†275. *Giani Gurmukh Singh Musafir: Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) the names of Provinces, which have decided to grant small loans (upto Rs. 5,000) to refugees;

(b) the total funds at their disposal;

(c) the total number of applications received by each such Province up-to-date;

(d) the total number of applications scrutinized by each such Province;

(e) the total number of applicants, to whom loans have been granted and payment made; and

(f) the period likely to be taken in disposing of the remaining applications?

The Honourable Shri Mohan Lal Saksena: (a) All except Assam.

(b) The Government of India have no information—such loans are usually given by the Provincial Governments from their own resources. Where the resources are inadequate the Government of India make ways and means advances. A statement showing the amounts so far placed at the disposal of the various Provinces and State Governments is, however, laid on the table of the House.

(c) to (f). Information is being obtained from Provincial Governments etc., and will be laid on the table of the House when received.

†Answer to this question laid on the table, the questioner being absent.

Serial	Name of Province/State	1947-48		1948-49		Total	
		Grant	Loans	Grant	Loans	Grant	Loans
		Re.	Rs.	Rs.	Rs.	Rs.	Rs.
1	East Punjab	5,00,000	1,00,00,000	..	..	5,00,000	1,00,00,000
2	Delhi Province	5,00,000	50,000	1,00,000	14,50,000	6,00,000	15,00,000
3	Ajmer-Merwara		50,000		..		50,000
4	Bikaner State				1,00,000		1,00,000
5	Bikaner State				5,00,000	..	5,00,000
6	Saurashtra Government	..			5,00,000		5,00,000
7	Matsya Union	..		..	20,00,000		20,00,000
8	Bikaner State	..		..	28,00,000	..	28,00,000
9	Jammu and Kashmir	..		..	1,00,000		1,00,000
10	Baroda State	..		..	10,00,000	..	10,00,000
11	Central Relief Committee, New Delhi			1,00,000	..	1,00,000	..
12	Rajasthan Union				64,00,000	..	64,00,000
	TOTAL	10,00,000	1,01,00,000	2,00,000	1,48,50,000	12,00,000	2,49,50,000

DISPERSAL OF REFUGEES IN VARIOUS CAMPS

†276. *Giani Gurmukh Singh Musafir: Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) the number of refugees in various camps throughout India on 31st March, 1948;

(b) the number of refugees in various camps throughout India on 31st July, 1948; and

(c) details about the dispersal of refugees who were sent out from camps during the period from 31st March, 1948 to 31st July, 1948?

The Honourable Shri Mohan Lal Saksena: (a) 9,84,527.

(b) 8,32,427.

(c) Information is being collected and will be laid on the table in due course.

STOPPING OF RATIONS TO REFUGEES IN CAMPS

†277. *Giani Gurmukh Singh Musafir: Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) the number of persons whose rations have been stopped in refugee camps under the control of the Central Government upto 30th June, 1948; and

(b) the reasons that led Government to take such steps?

The Honourable Shri Mohan Lal Saksena: (a) and (b). Information has been called for and will be laid on the table in due course.

ABDUCTED WOMEN IN INDIA AND PAKISTAN

†278. *Giani Gurmukh Singh Musafir: Will the Honourable Minister Without Portfolio be pleased to state:

(a) the number of abducted Muslim women so far in India;

(b) The number of abducted non-Muslim women in Pakistan;

(c) whether these figures tally with the figures given by the Pakistan Minister of Relief and Rehabilitation at his Karachi Press Conference last month:

(d) if the answer to part (c) above be in the negative, the steps taken by the Government of India to prevent currency being given to false state of affairs:

(e) whether it is a fact that both the Governments had agreed not to publish any figures, which are not checked by a joint organisation of the two Dominions; and

(f) whether these figures were released by the Pakistan Minister after being confirmed by the joint body?

The Honourable Shri N. Gopalaswami Ayyangar: (a) and (b). The exact number of women and children abducted in India and Pakistan is not known to any agency engaged in the rescue and recovery of abducted women in either dominion. Lists compiled in the past have now ceased to be accurate due to the clearance of pockets, the recovery of persons and other causes. The lists were also not compiled accurately as they contained duplications and repetitions. The total of such lists, however, which we handed over to Pakistan for recovery, was nearly 33,000. Similar lists handed over to us by Pakistan in regard to Muslims to be recovered from India totalled about 21,000.

†Answer to this question laid on the table, the questioner being absent.

We are taking steps to compile fresh accurate lists, and have asked Pakistan to do the same on their side according to the procedure adopted by us here. When these lists are compiled, they will give us accurate information about abducted persons still to be recovered.

(c) No. The figures given by the Pakistan Minister for Refugees at his Karachi press conference at the end of June, 1948 were not based on any reliable statistics but were wild exaggerations in favour of Pakistan.

(d) The Government of India issued a press communique pointing out the correct position and stressing the desirability of making statements in public only after proper verification.

(e) Yes; but this applied only to the number of women actually recovered. At the Inter-Dominion conference held on the 8th January 1948, it was agreed not to publish any figures which were not checked by a joint Organisation of both the dominions.

(f) No.

Compensation for Properties left in Eastern Pakistan

294. *Shri Lakshminarayan Sahu: Will the Honourable the Minister Without Portfolio be pleased to state whether before the partition of India, Hindus born, brought up and having properties in areas now under Eastern Pakistan but forced to remain outside Pakistan on account of their profession and leaving no body to look after their property will be able to get compensation for their properties left?

The Honourable Shri N. Gopalaswami Ayyangar: It is not clear from whom the compensation for property situated in Eastern Pakistan belonging to Hindus belonging to Eastern Pakistan but engaged in professions outside it is to be obtained. Government have not undertaken to pay compensation for property left behind even in Western Pakistan by non-Muslims who have migrated to India. They cannot undertake to do so in respect of property left behind in Eastern Pakistan either.

India's Ambassadors, High Commissioners or Trade Agents and their Expenditure

280. *Shri Biswanath Das: Will the Honourable the Prime Minister be pleased to state:

(a) the Countries, Foreign and Commonwealth in which India has already appointed ambassadors, High Commissioners or Trade Agents, giving each separately noting the name of the chief person in each case and the monthly salaries as also monthly or annual allowances drawn in each case;

(b) the annual budget allotment for each such Embassy or High Commissioner or Trade Agent, his office, staff and establishment;

(c) the number of cars maintained by each High Commissioner for himself, his officers and his establishment upto the end of 1947;

(d) whether any new and costly car or cars had to be purchased for the use of the High Commissioners in 1948; and

(e) if the reply to part (d) above be in the affirmative at what price they were purchased and what are the reasons for purchasing them?

The Honourable Pandit Jawaharlal Nehru: A statement giving the requisite information is placed on the table of the House. The figures under the column 'Annual budget allotment' represent, in most cases, only the approximate anticipated expenditure as these Missions have been established only very recently.

Statement

showing countries in which India has appointed Ambassadors, High Commissioners or Trade Agents, with their emoluments, annual budget allotment and number of cars maintained by the High Commissioners.

Name of Country and Designation	Name of Ambassador/ Minister etc.	Emoluments	Annual budget allotment
			Rs.
		Part A.	
Egypt (Ambassador)	Dr. Syud Hossain, Bar.-at-Law	Pay Rs. 3,500 p. m. Frais de Representation Rs. 2,500 p.m.	2,70,000
Afghanistan (Ambassador)	Wing Commander Rup Chand	Pay Rs. 3,000 p.m. Frais de Representation Rs. 2,000 p.m.	2,28,000
Turkey (Ambassador)	Dewan Chaman Lall, Bar.-at-Law	Pay 3000 p. m. Frais de Representation Rs. 2,000 p. m.	2,52,000
France (Charge d' Affaires)	Sir N. Raghavan Pillai, K.C.I.E., C.B.E.	Pay Rs. 3,000 p. m. Frais de Representation Rs. 3,500 p. m.	3,09,000
Nepal (Ambassador)	Wing Commander Sardár Surjit Singh Majithia.	Pay Rs. 2,250 p. m. Frais de Representation Rs. 750 p. m.	1,58,100
Czechoslovakia (Ambassador-Designate)	Mr. N. Raghavan	Not yet settled	Not made as yet.
United States of America (Ambassador)	Sir B. Rama Rau, I.C.S.	Pay Rs. 3,500 p. m. Frais de Representation Rs. 5,200 p. m.	12,50,000
Moscow (Ambassador)	Mrs. Vijaya Lakshmi Pandit	Pay Rs. 3,500 p. m. Frais de Representation Rs. 9,000 p. m.	5,39,000
Tokyo (Minister)	Mr. B. N. Chakravarty, I.C.S.	Pay in the senior scale of I.C.S. Frais de Representation Rs. 1,500 p. m.	3,73,400

Brussels (Charge d' Affaires)	Mr. B. F. H. B. Tyabji, I.C.S.	Pay in the the senior scale of I.C.S. Foreign Allowance Rs. 1,700 p. m.	3,38,800
Iran (Ambassador)	Syed Ali Zaheer, Bar.-at-Law	Pay Rs. 3,000 p. m. Frais de Representation Rs. 2,000 p. m.	2,16,000
China (Ambassador)	Sardar K. M. Panikar	Pay Rs. 3,500 p. m. Frais de Representation Rs. 2,500 p. m.	5,64,500
Siam (Minister)	Mr. Bhagwat Dayal, Bar.-at-Law	Pay Rs. 2,000 p. m. Foreign Allowance Rs. 667 p. m.	94,700
Switzerland (Minister)	Mr. Dhiraj Lal Bhulabhai Desai, Bar.-at-Law.	Pay Rs. 2,750 p. m. Frais de Representation Rs. 2,500 p. m.	2,33,600
Holy Sea (Vatican) (Minister)	Do.	Do.	....
Brazil (Minister)	Mr. M. R. Masani	Pay Rs. 3,000 p. m. Frais de Representation Rs. 2,500 p. m.	2,64,400
Burma (Ambassador)	His Excellency Dr. M. A. Rauf, B. C. L. (Oxon), LL. D., Bar.-at-Law.	Pay Rs. 2,750 p. m. Sumptuary Allowance Rs. 750 p. m. Car allowance Rs. 250 p. m. House rent allowance excess over 10% of pay. Cost of living allowance Rs. 300 p. m.	2,70,700
Malaya (Representative)	Mr. J. A. Thivy, Bar.-at-Law	Pay Rs. 2,250 p. m. fixed. Local allowance Rs. 500 p. m. Sumptuary allowance Rs. 500 p. m. Cost of living allowance Rs. 350 p. m. Car allowance Rs. 125 p.m. House rent allowance Rs. 150 p.m.	1,98,200
Malaya (Agent)	Mr. T. G. Nataraja Pillai	Pay in the scale of Rs. 375—15—600 *plus* a special pay of Rs. 100 p.m. House rent allowance—Excess over 10% of pay subject to maximum of Rs. 150 p. m. Conveyance/Car allowance Rs. 125. Cost of living allowance 33⅓% of pay.	85,800

ame of Country and Designation	Name of Ambassador/ Minister etc.	Emoluments	Annual budget Allotment	Head of office	Staff	
			Rs.			
Ceylon (High Commissioner).	Mr. V. V. Giri, Bar.-at-Law .	Pay Rs. 2,250 p. m. fixed. Sumptuary allowance Rs. 500 p. m. Local allowance Rs. 500 p. m.	1,37,000	1	..	
Ceylon (Agent) .	Mr. I. P. Menon . .	Pay Rs. 720 p.m. Allowances under consideration.	62,200		..	
Canada (High Commissioner.)	Mr. H. S. Malik, I.C.S. .	Pay Rs. 2,250 p.m. Representation allowance $10,000 p. a. House rent allowance of $650 p.m. so long as he stays in a hotel.	2,00,000	1	..	
United Kingdom (High Commissioner.)	Mr. V. K. Krishna Menon .	Pay £3,000 p.a. . Entertainment or Sumptuary allowance £2,500 p.a.	23,69,000	1	1	9 cars. + 2 motorcycles. (Two cars out of these are in replacement of the old cars already in use. Only one of these cars was an expensive one and was purchased at a cost of £ 3,900. In view of the special importance and status of the post of High Commissioner for India in the United Kingdom it was considered desirable to provide a good car for his use).

			Rs.	Head of office	Staff	
Pakistan (High Commissioner).	Mr. Sri Prakasa	Pay Rs. 2,500 p.m. Entertainment allowance Rs. 500 p.m.	1,86,000	1	1	(One Chevrolet Rs. 9,730. One Station Wagon Rs. 9,473.
Pakistan (Dy. High Commissioner.	Sardar Sampuran Singh	Pay Rs. 1,500 p.m.	44,000	1	1	
South Africa (High Commissioner).	(The post is at present vacant but the emoluments have been shown as admissible to the last incumbent).	Pay £2,500 per annum(Fixed) Sumptuary allowance £ 500 per annum. Special allowance £ 50 p. m. for period spent in Cape Town for Parliamentary Session. Car allowance £ 75 p. a.	1,47,200	1	..	
Australia (High Commissioner).	(The post is at present vacant but the emoluments have been shown as admissible to the last incumbent).	Pay £ 2,500 per annum Equipment allowance £. 250 (once only). Sumptuary allowance £ 500 p.a. Car allowance £ 400 p. a. (Including pay of chauffeur).	2,12,000	1	..	
West Indies (Commissioner)	Mr. Satya Charan	Pay Rs. 1,250 p. m. Foreign allowance Rs. 800 per mensem.	77,800	..		

Part B.

1	2	3	4
			Rs.
London(Commercial Adviser to the High Commissioner for India, London).	Mr. M. J. Desai, C.I.E., I.C.S.	Pay Rs. 2,250 per mensem :— (a) Foreign allowance including entertainment allowance Rs. 1,500 per mensem. (b) House rent allowance—Actual rent paid in excess of 12½ per cent. of pay for furnished accommodation subject to a maximum of 22½ per cent of pay.	7,11,000 This represents budget provision for the offices of Indian Government Trade Commissioner London and of the India Supply Commission, London, which have now been amalgamated under the name of "Commerce Department of the High Commissioner for India in U. K.

1	2	3	4
			Rs.
France (Indian Government Trade Commissioner, Paris).	Mr. S. S. Bajpai	(a) £ 1,640 pay in the scale of £ 1,600—40—1,800 per annum plus Pension Rs. 200 per mensem. Consolidated allowance £ 1,800 per annum. House rent allowance—Equal to rent actually paid in excess of 10 per cent. of pay, upto a maximum of £ 350 per annum.	2,66,000
Canada (Indian Government Trade Commissioner, Toronto).	Mr. M. R. Ahuja	£ 1,900 per annum in the scale of £ 1,600—75—2,200 per annum. Representation allowance—£ 250 p. a. Local Allowance—£ 500 per annum Exchange compensation on total emoluments.	1,95,000
Argentine (Trade Commissioner, Buenos Aires.)	Mr. J. R. K. Modi	Pay Rs. 1,600 per mensem . . . Local Allowance Rs. 600 per mensem. Representation Allowance Rs. 250 per mensem. House rent Allowance Rs. 600 per mensem. subject to the condition that Mr. Modi contributes 10 per cent. of pay towards house rent.	1,85,000
Egypt (Trade Commissioner, Alexandria).	Vacant	....	72,360
East (Africa Trade Commissioner, Mombasa).	Sardar Sahib Sangat Singh . . .	Pay Rs. 820 per monsem in the scale of Rs. 700—30—1,000 p. m. Representation allowance Rs. 150 p. m. Local Allowance Rs. 300 p.m. House rent allowance Rs. 150 p.m. or difference between rent actually paid and 10 per cent of pay whichever is less.	69,900
Ceylon (Trade Commissioner, Colombo)	Dr. T. G. Menon	Not yet fixed	79,800
Iran (Trade Commissioner, Tehran)	Vacant		1,24,500

9. Australia Indian Government, Trade Commissioner, Sydney.	Vacant	....		71,000
10. Afghanistan Trade Agent, Kabul .	Vacant	....		74,000
11. Afghanistan (Commercial Secretary, Kabul).	Vacant	....		74,000
12. Japan Indian Government Trade Commissioner, Tokyo.	Mr. D. G. Mudharkar	Rs. 1,800 p.m. in the scale of Rs. 1,300—50 —1,800 p. m. Foreign Allowance including Entertainment Allowance Rs. 750 p. m.		1,39,000
13. Burma Indian Government Trade Commissioner, Rangoon.	Mr. D. N. Narsvane	Not yet fixed		1,00,00

Mr. Speaker: The question hour is over.

(b) WRITTEN ANSWERS

SELECTION AND APPOINTMENT OF HIGH COMMISSIONERS OR AGENTS

281. *Shri Biswanath Das: Will the Honourable the Prime Minister be pleased to state:

(a) the procedure followed by the Government of India in the selection and appointment of High Commissioners or agents in various countries before the Congress undertook the responsibility of the administration of India;

(b) the procedure followed by Government after Congress leaders assumed office in September, 1946, and the same followed at present or after 15th August, 1947;

(c) whether the Provincial Governments or Governors or any recognised institutions are being consulted or asked to furnish lists of suitable persons, from time to time, in this regard?

The Honourable Pandit Jawaharlal Nehru: (a) Previous to September 1946, the only Foreign appointments that were made were of High Commissioners or Agents in Commonwealth countries. I understand that these appointments were made by the Governor General, in some cases on the recommendation of the Member of the Executive Council in charge of the Commonwealth Relations.

(b) Since September 1946, there has been a progressive development of our foreign relations and Ambassadors and Ministers have been exchanged with other countries. The Ambassador or Minister represents the King and the King's formal approval is therefore necessary. From September, 1946, to August 1947, recommendations were made by the Member in charge of External Affairs and Commonwealth Relations to the Viceroy after consultation with some of his colleagues.

Since August 15, 1947, the Prime Minister is primarily responsible for such appointments whether to foreign countries or to Commonwealth countries. In making his choice he consults some of his colleagues and such other persons as he may consider necessary. The usual practice in most countries is for such appointments not to be placed before the Cabinet though informally Cabinet members may be consulted where this is considered necessary. All such appointments have to be kept absolutely secret till formal announcement is made simultaneously in the two countries concerned. Any leakage on one side is objected to by the other country. Because of this care has to be taken to maintain secrecy and as few persons as possible are informed.

(c) Provincial Governments or Governors or any recognised institutions are not formally consulted but occasionally informal consultations about individuals take place. No lists have been asked for from them. Occasionally some names are suggested by them and such names are included in the list maintained in the Foreign Office. Each appointment has to be considered from the point of view of the country concerned and the particular suitability of the individual for that country.

RELIEF TO THOSE WHO BECAME ORPHANS OR WIDOWS IN PRE-PARTITION COMMUNAL RIOTS

282. *Giani Gurmukh Singh Musafir: Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) whether Government have so far considered the case of those orphans and widows who lost their parents and husbands respectively in pre-partition communal riots;

(b) if the answer to part (a) above be in the affirmative, the results thereof; and

(c) if the answer to part (a) above be in the negative, what measures of relief Government now propose to adopt in respect of such orphans and widows?

The Honourable Shri Mohan Lal Saksena: (a) Yes.

(b) Refugees who were orphaned or widowed during the pre-partition communal riots are being given the same facilities as are given to other orphan and widow refugees.

(c) Does not arise.

SHORT NOTICE QUESTION AND ANSWER

Plan for raising National Volunteer Corps for East Punjab

Shri B. Shiva Rao: (a) Will the Honourable the Prime Minister be pleased to state whether the attention of Government has been drawn to a Press Note issued by the East Punjab Government from Simla on the 4th August, 1948 and published in the *Statesman* dated the 6th August, 1948 referring to an alleged plan by 'General' Mohan Singh to seize power in the East Punjab?

(b) Did the East Punjab Government seek the previous sanction of the Government of India before offering to 'General' Mohan Singh the three districts of Hissar, Gurgaon and Rohtak for raising a national volunteer corps with military training?

(c) Were the details of this scheme scrutinized by the Ministry of Defence or any other Ministry of the Government of India before the offer was made to 'General' Mohan Singh?

(d) Who are the high military officers (referred to in the Press Note) who supported the plan?

(e) Did the Governor and the Government of the East Punjab consult the Government of India at any stage of these negotiations?

(f) What is the attitude of the Government of India towards the growth of private armies in this country?

The Honourable Pandit Jawaharlal Nehru: (a) Yes.

(b) to (f). No particular reference was made to the Government of India by the East Punjab Government in this matter. In view of the declared policy of the Government of India in regard to private armies in the country, all Provincial Governments were addressed on the subject and informed that no private armies could be tolerated. The East Punjab Government was more especially addressed and an enquiry was made about 'General' Mohan Singh's Desh Sewak Sena. Government had no particular complaint against the Desh Sewak Sena except that it was in the nature of a volunteer force which might grow into a private army. It had attracted a number of enthusiastic young men. The East Punjab Government meanwhile was raising a National Volunteer Corps under official auspices. It was proposed by them that the Desh Sewak Sena might be incorporated in this National Volunteer Corps. This meant that the Desh Sewak Sena should cease to exist as an organisation and that such of its members as were considered fit and proper might join the National Volunteer Corps. Our Military Officers in the East Punjab approved of this proposal. It was intended to do this with the co-operation of 'General' Mohan Singh. He was asked to associate himself with the National Volunteer Corps and particularly in certain particular districts to begin with. The conversations did not lead to any agreement and ultimately the East Punjab Government issued the communique referred to.

There was no question of any districts being offered, as stated, to 'General' Mohan Singh nor did any question of examining the scheme by the Defence Ministry arise. The Government of India was not consulted about any scheme. Information was sent to the Government of India on two or three occasions that some conversations were in progress about the disbandment of the Desh Sewak Sena and its partial incorporation in the National Volunteer Corps. This was entirely a matter for the Provincial Government. The Government of India were chiefly interested in the disbandment of any organisation which might develop into a private army. Military officers were occasionally consulted by the East Punjab Government about their National Volunteer Corps. They naturally insisted that any such organisation must be completely under Government control and that no military training should be given to members of a private volunteer force.

Tuesday
17th August, 1948

CONSTITUENT ASSEMBLY OF INDIA

(LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Official Report

Volume VI, 1948

(9th August to 31st August, 1948)

THIRD SESSION

OF THE

CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE)

1948

CONTENTS

Volume VI,—9th August to 31st August, 1948

	Pages
MONDAY, 9TH AUGUST, 1948—	
Death of Mr. Damber Singh Gurung	1
Governor-General's Assent to Bills—	1-2
Papers laid on the Table—	
Report of India Delegation to Fifth Session of Economic and Social Council of United Nations	2
Summary of Work done by Geological Survey of India during past Five years	2
White Paper on Sterling Balances Negotiations	2
Allotment of a day for discussion on Hyderabad and Kashmir	2
Election to Standing Committe for Ministry of External Affairs and Commonwealth Relations	2,18
Diplomatic and Consular Officers (Oaths and Fees) Bill—Introduced	4
Indian Merchant Shipping (Amendment) Bill—Introduced	4
Census Bill—Introduced	4
Continuance of Legal Proceedings Bill—Introduced	4
Indian Matrimonial Causes (War Marriages) Bill—Introduced	4
Indian Registration (Amendment) Bill—Introduced	5
Displaced Persons (Institution of Suits) Bill—Introduced	5
Taxation on Income (Investigation Commission) (Second Amendment) Bill—Introduced	5
Reserve Bank (Transfer to Public Ownership) Bill—Introduced	5
Gandhi National Memorial Fund Donations (Companies) Bill—Introduced	5
Estate Duty Bill—	
Presentation of Preliminary Report of Select Committee	6
Extension of time for presentation of Report of Select Committee	6-18
Declaration by Members	18
Factories Bill—Presentation of Report of Select Committee	19
Banking Companies Bill—Referred to Select Committee	19-30
Electricity (Supply) Bill—Discussion on motion to consider as reported by Select Committee—Not concluded	30-46
TUESDAY, 10TH AUGUST, 1948—	
White paper on Hyderabad—Laid on the Table	47-48
Elections to—	
Central Advisory Committee of National Cadet Corps	48
Central Committee of Tuberculosis Association of India	49
Electricity (Supply) Bill—Consideration of Clauses—Not concluded	49-92
Appendix	92-164
WEDNESDAY, 11TH AUGUST, 1948—	
Resolution re—	
Abolition of entries of caste and religion etc., from Government registers, forms and records—Withdrawn	165-66
Measures to check rising prices of necessary commodities—Discussion not concluded.	166-216
THURSDAY, 12TH AUGUST, 1948—	
Elections to—	
Employees' State Insurance Corporation	217
Committee on Public Accounts	217
Standing Finance Committee	218
Standing Committee for External Affairs and Commonwealth Relations	218
Hindu Code—Presentation of Report of Select Committee	218-19
Gandhi National Memorial Fund Donations (Companies) Bill—Passed	219-22
Electricity (Supply) Bill—Consideration of clauses—Not concluded	222-31
Demand for Supplementary Grants 1948-49—Discussion not concluded.	231-89
Demand No. 99-A-Capital Outlay on Sterling Pensions—Discussion not concluded	231-89
—Failure of Government to secure Protection against scaling down of Sterling Balances—Discussion not concluded.	245-89
Demand No. 101—Defence Capital Outlay—Discussion not concluded.	289-90
Propriety of Payment and Defence Stores Policy of Government Discussion not concluded.	345-89

FRIDAY, 13TH AUGUST, 1948— Pages

Papers laid on the Table—
Declarations of Exemptions under the Registration of Foreigners Act . . [illegible]
Elections to—
Central Advisory Committee of National Cadet Corps 265
Central Committee of Tuberculosis Association of India 265
Mines and Mineral (Regulation and Development) Bill—Introduced . . 266
Income Tax and Business Profits Tax (Amendment) Bill—Presentation of Report of Select Committee 266
Demands for Supplementary Grants—1948-49—*Contd.* 266-319
Demand No. 99-A—Capital Outlay on Sterling Pensions—*Contd.* . . . 266-319
Failure of Government to secure Protection against trading down of Sterling Balances—*Contd.* 266-319
Demand No. 101—Defence Capital Outlay—*Contd.* 266-319
Propriety of Payment and Defence Stores Policy of Government—*Contd.* . 266-319

MONDAY, 16TH AUGUST, 1948—

Resolution re Indian Parliamentary Group of Inter-Parliamentary Union—Adopted 311-17
Durgah Khawaja Saheb (Amendment) Bill—Introduced 318
Indian Army (Amendment) Bill—Introduced 318
Coal Mines Provident Fund and Bonus Scheme Bill—Introduced . . . 318
Indian Telegraph (Amendment) Bill—Introduced 318
Census of Refugees Bill—Introduced 318
Electricity (Supply) Bill—Passed as amended 319-42
Mines and Minerals (Regulation and Development) Bill—Referred to Select Committee 342-56

TUESDAY, 17TH AUGUST, 1948—

Statement by Shri R. K. Shanmukham Chetty on his Resignation as Minister for Finance 357-60
Elections to—
Employees' State Insurance Corporation 360
Committee on Public Accounts 360
Standing Finance Committee 360
Central Silk Board Bill—Referred to Select Committee 360-69
Bombay, Calcutta and Madras Port Trusts (Constitution) (Amendment) Bill—Passed as amended 369-92
Indian Railways (Second Amendment) Bill—Discussion on motion to consider and to refer to Select Committee—Not concluded 392-99

WEDNESDAY, 18TH AUGUST, 1948—

Banking Companies Bill—Extension of time for Presentation of Report of Select Committee 401-03
Cantonments (Amendment) Bill—Introduced 403
Indian Railways (Second Amendment) Bill—Referred to Select Committee . 403-12
Continuance of Legal Proceeding Bill—Passed 412-16
Displaced Persons (Institution of Suits) Bill—Consideration of clauses—Not concluded 417-24
Indian Registration (Amendment) Bill—Passed 424-29
Indian Matrimonial Cause (War Marriages) Bill—Passed 429-39
Census Bill—Passed as amended 439-43

FRIDAY, 20TH AUGUST, 1948—

Imperial Library (Change of Name) Bill—Introduced. 443-44
Indian Cotton Cess (Amendment) Bill—Introduced 444
Displaced Persons (Institution of Suits) Bill—Passed as amended . . . 444-55
Diplomatic and Consular Officers (Oath and Fees) Bill—Passed . . . 455-59
Indian Merchant Shipping (Amendment) Bill—Passed 459-60
Durgah Khawaja Saheb (Amendment) Bill—Passed 460-62
Indian Army (Amendment) Bill—Passed as amended 462-72
Indian Telegraph (Amendment) Bill—Passed 472-73
Coal Mines Provident and Bonus Schemes Bill—Passed 473-86
Factories Bill—Discussion on motion to consider—Not concluded . . . 486-88

MONDAY, 23RD AUGUST, 1948— Pages

Papers laid on the Table—
Authenticated Schedule of Authorised Supplementary Expenditure for 1948-49—
Other than Railways 489
Bombay Public Security Measures (Delhi Amendment) Bill—Introduced . . 490
Territorial Army Bill—Introduced 490
Payment of Taxes (Transfer of Property) Bill—Introduced 490
Factories Bill—Motion to consider—Adopted 490-532

TUESDAY, 24TH AUGUST, 1948—

Factories Bill—Consideration of clauses—Not concluded 533-80
Indian Railways (Second Amendment) Bill—Presentation of Report of Select Committee 580

WEDNESDAY, 25TH AUGUST, 1948—

Panel of Chairmen 581
Committee on Petitions 581
Mines and Minerals (Regulation and Development) Bill—Presentation of Report of Select Committee 581
Banking Companies Bill—Extension of time for presentation of Report of Select Committee 581-82
Child Marriage Restraint (Amendment) Bill—(Amendment of Sections 3, 4, 5, 6 and 10)—Referred to Select Committee 582-613
Child Marriage Restraint (Amendment) Bill—(Amendment of Sections 2 and 4)—Referred to Select Committee 582-613
Child Marriage Restraint (Amendment) Bill—(Amendment of Sections 10 and 11)—Referred to Select Committee 582-613
Indian Penal Code and the Code of Criminal Procedure (Amendment) Bill—Motion to refer to Select Committee—Not moved 614
Criminal Tribes (Repeal) Bill—Motion to refer to Select Committee—Not moved. 614
Indian Penal Code (Amendment) Bill—(Amendment of Section 124A)—Motion to Consider—Not moved 614
Provincial Insolvency (Amendment) Bill—Withdrawn. 614
Indian Companies (Amendment) Bill—(Amendment of Section 88 F)—Motion to refer to Select Committee—Not moved 615
Indian Bar Councils and the Legal Practioners (Amendment) Bill—Withdrawn . 615
Code of Criminal Procedure (Amendment) Bill—(Amendment of Sections 496 and 497)—Motion to refer to Select Committee—Not moved 615
Indian Companies (Amendment) Bill—(Amendment of Sections 25, 31, 32 etc.)—Motion to refer to Select Committee—Not moved 615
Special Marriage (Amendment) Bill—Motion to refer to Select Committee—Not moved 615
Calcutta Port (Amendment) Bill—Motion to refer to Select Committee—Not moved 616
Bombay Port Trust (Amendment) Bill—Motion to refer to Select Committee—not moved 616
Madras Port Trust (Amendment) Bill—Motion to refer to Select Committee—Not moved 616
Workers' Provident Fund Bill—Motion to refer to Select Committee—Not moved. 616
Prevention of Free or Forced or Compulsory Labour Bill—Motion to consider—Not moved 616
Hindu Marriages Validity Bill—Motion to refer to Select Committee—Not moved. 616
Code of Criminal Procedure (Amendment) Bill—(Amendment of Sections 4, 29A etc.)—Motion to consider—Not moved 616
Motor Vehicles (Amendment) Bill—Motion to consider—Not moved . . . 617
Indian Judicial Procedure Bill—Motion to consider—Not moved 617
Indian Bar Councils and the Legal Practitioners (Amendment) Bill—Motion to consider—Not moved 617
Criminal Tribes (Repeal) Bill—Motion to consider—Not moved 617
Civil Marriages Bill—Introduced . . . . . 617—18
Dentists (Amendment) Bill—Introduced 618
Code of Criminal Procedure (Amendment) Bill—(Amendment of Section 488)—Introduced 618

THURSDAY, 26TH AUGUST, 1948— Pages

Change in Date for non-official Business in Assembly 619
Supply of Answers to Questions in advance to Members . . . . . 619—20

Elections to—
Standing Committee for Ministry of Defence 620
Standing Committee for Ministry of Communications 620-21
Exchange of Prisoners Bill—Introduced 621
Central Silk Board Bill—Presentation of Report of Select Committee . . 621
Factories Bill—Consideration of Clauses— Not concluded 622-62

SATURDAY, 28TH AUGUST, 1948—

Indian Income-tax (Amendment) Bill—Introduced 663
Indian Navy (Discipline) Amendment Bill—Introduced 663
Factories Bill—Passed as amended 664-707

MONDAY, 30TH AUGUST, 1948—

Elections to—
Standing Committee for Ministry of Works Mines and Power 709
Standing Committee for Roads 709-10
Indian Central Coconut Committee 710
Standing Committee for Ministry of Defence 710
Standing Committee for Ministry of Communications 710
Income-Tax and Business Profits Tax (Amendment) Bill—Passed as amended . 711-62
Taxation on Income (Investigation Commission) (Second Amendment) Bill—Passed. 762-64

TUESDAY, 31ST AUGUST, 1948—

Request for allotment of time for Debate on Hyderabad and Kashmir . 765-66
Papers laid on the Table—
Notifications under section 38 of Central Excises and Salt Act, 1944 . . 766-69
Cinematograph (Amendment) Bill—Introduced 769
Indian Tariff (Amendment) Bill—Introduced 769-70
Indian Tariff (Second Amendment) Bill—Introduced 770
Essential Supplies (Temporary Powers) (Amendment) Bill—Introduced . . 770
Motion re Procedure in making Rules to regulate the Procedure and Conduct of Business in the Assembly—Adopted 770-75
Hindu Code—Postponed 775-81
Cantonments (Amendment) Bill—Passed 781-83
Imperial Library (Change of Name) Bill—Passed 783-800
Bombay Public Security Measures (Delhi Amendment) Bill—Passed . . . 800-01
Mines and Minerals (Regulation and Development) Bill—Passed . . . 801-17

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Tuesday, 17th August, 1948

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(*See* Part I)

11-50 A.M.

STATEMENT BY SHRI R. K. SHANMUKHAM CHETTY ON HIS RESIGNATION AS MINISTER FOR FINANCE

Shri R. K. Shanmukham Chetty (Madras: General): Sir, with your permission I should like to make a brief statement about the circumstances that led to my resignation of my office. Even though the matter is explained to some extent in the letters that were published this morning it is a parliamentary privilege for a Minister who resigns to explain to Parliament the reasons for his action. I must thank you, Sir, for according me this privilege and I may assure you at the very outset that I will not abuse the consideration that you have shown to me by making any reference to any matter that might involve any controversy at all.

The circumstances arose out of certain actions of mine connected with the Income-Tax Investigation Commission. The Act for constituting this Commission was passed as early as April, 1947. On account of the preoccupations of the then Government with the partition and the 15th August, no action was taken under that Act. After the new Government assumed office on the 15th August we took steps to constitute the Commission, and accordingly the Commission was constituted early in December. In the meantime it was felt that the Act of 1947 was not adequate to enable the Commission to function effectively. Therefore an amending Bill was prepared to be placed before the legislature in due course. In the Act of 1947 the last date for reference of cases to the Commission was prescribed as 31st December 1947; after that date Government did not have the power to refer any cases at all. It was brought to my notice that even though we have got an amending Bill on the anvil we cannot act on the assumption that that amending Bill will be passed by the Legislature. If, for instance, the amending Bill had been thrown out by the Legislature and we failed to take any action under the old Act we would have lost the power of referring cases to the Commission and the whole work of the Commission would have become *null and void*. Under the Act we are charged with the responsibility of referring to the Commission only those cases in which we ourselves are satisfied that there is a *prima facie* case. Unfortunately there was no time to examine all the cases in detail to decide which of the cases involved in the various reports showed really a *prima facie* case. Under these circumstances,

[Shri R. K. Shanmukham Chetty]

with a view to save limitation as it were, I ordered that all the cases about whom Income-Tax Officers had reported should be referred to the Commission before 31st December; and my intention has been always that later on I should examine these cases and then withdraw if I found it necessary in cases which did not disclose a *prima facie* case for reference, because it was my duty not to refer any cases to the Commission unless I was satisfied on examination that there was a *prima facie* case. Later on the amending Bill was introduced and in the meantime after reference of the cases to the Commission somewhere towards the last week of December I began to examine some of the cases, and I found that some of these in my opinion did not show any *prima facie* case at all. So in accordance with my original intention I gave instructions to the Central Board of Revenue to withdraw certain groups of cases. In the letter that I have written to the Prime Minister a very serious error has unfortunately crept in. I asked some one on my behalf to find out for me when the amending Bill was introduced in the legislature and I was told it was the 1st March, whereas according to my decision my instructions for the withdrawal of the cases were given on the 19th February. Subsequently this morning to my utter amazement I found that the Bill was introduced in the Assembly on the 10th February but that the reference motion to the Select Committee was made on 1st March. This is a very grievous error which I ought not to have committed. It was my duty to have verified the dates, and I therefore apologise to the Honourable the Prime Minister for the grievous error contained in my letter.

There is one other reference in that letter which I think on further consideration absolutely inappropriate on my part to have introduced. I stated in that letter that whether in the light of the passage of the amending Bill through the Select Committee my original order of withdrawal should have been kept in abeyance did not occur to me or my advisers. I now find that I should not have made any reference to my advisers at all because at an early stage, as early as in January when I discussed this matter with my advisers, they drew my attention to the proposal that we ourselves were incorporating to the effect that cases can be withdrawn only with the consent of the Commission. But it is on my responsibility that I took the view that the object of that amendment was entirely different. The object contemplated by that amendment according to me was that after the cases were once referred, no pressure should be brought to bear on any Minister to withdraw for extraneous reasons. But in this particular case—in these groups of cases—since I thought that we had not even a chance of examining whether there was a *prima facie* case, I understood that it was not necessary to ask for the consent of the Commission in such cases. Therefore my advisers are not responsible for this decision. On the other hand they did their duty in pointing out to me the need for that consideration. I therefore must take the fullest responsibility on my own shoulders and not try to shove it on any of my advisers who have always during the past one year discharged their duties most conscientiously and honestly.

These are the circumstances relating to these withdrawals. This matter was raised and subsequently in consultation with the Honourable the Prime Minister, the whole procedure was set right by our referring the cases again to the Commission and asking for their consent for the withdrawals. Even though that has been done, my conduct in the original order of withdrawal has created a suspicion about my *bona fides*. It would naturally create a suspicion in any man who reads the circumstances. So I put it to the Honourable the Prime Minister whether he, at any rate, had any doubts about my honesty or *bona fides*, and he was good enough and generous enough to repeat on more than one occasion that he was thoroughly satisfied with my honesty and *bona fides*. But Sir, notwithstanding this assurance from the Honourable the Prime Minister, I felt that in the context of the new independence that our country has obtained, in the context of the parliamentary institution which we have begun to work,

we must set absolutely the highest standards of integrity in public life: not even the second-rate of standards would be sufficient for us. It must be absolutely the first-rate. Even though a Minister's conduct and *bona fides* may be justified by argument, yet, if, in the minds of our people who may not understand these technicalities, there is a room even for suspicion, such a Minister ought not to continue in office, and it is under these circumstances, and because I felt like that, that I requested the Honourable the Prime Minister to relieve me of my office: and he has relieved me of my office today.

That is all the statement that I have to make and I wish to take this opportunity of thanking every section of the House for the courtesy and the co-operation that I have received from their hands during the past 12 months of my office. There have, no doubt, been differences amongst us and criticisms have been levelled against me. But criticisms and differences are the very salt of political life. I have never taken them with malice and I hope that I have not shown any malice towards any honourable member of this House.

The Honourable Pandit Jawaharlal Nehru (Prime Minister and Leader of the House): Sir, after the full and very frank statement by my honourable friend and colleague, there is very little that I need say in this matter. In various ways this question has been before us and the Government for some time. Ultimately, in so far as those references to the Tribunal were concerned, we came to certain decisions, which the House knows and which were in full conformity with the amending Act and the wishes of this House. So there is little that need be said about that particular matter. That is over.

But it was pointed out to me only a very few days ago—about four or five days ago—that many of these steps were taken at a time when this House was actually considering, or the Select Committee was considering this amending Bill: and it seemed to me that no such step should have been taken without the knowledge and consent of the House or the Select Committee at that time. I have no doubt myself that there was no question of *mala fides* in the matter, apart from any other reason, if I may say so, because any attempt to take such step could not possibly be kept secret from the House for long. It had to come to the knowledge of the House, the Government and others. So I was convinced of that. But the question did arise in my mind that whether a thing was done carelessly or not it was an error, and a grave error, and an error of this kind is bound to create suspicion in the public mind, and an error of this kind is not a thing which normally should be passed over. Probably the same chain of thought occurred to my honourable friend and he wrote to me the letter that has already been published, offering his resignation. Normally speaking, I would have hesitated a great deal in accepting that resignation, partly because, firstly, I felt that what had happened was an error of judgment —however serious—nevertheless it was an error; secondly, because Government has profitted a great deal by his ability and by his hard work in the very responsible office that he held; thirdly, that in this very session there are certain important measures which he was going to pilot. There is the Nationalization of the Reserve Bank measure; there is the Banking Bill. These are highly important measures and it will not be easy for a new comer to handle them. Nevertheless, in spite of all these considerations, it seemed to me that the very first consideration that I should have—and that I was sure this House would like me to have—was that when any kind of a mistake or error of this kind was committed, we should accept the consequences of that error and try to remedy that in the way we have tried to do so.

12 Noon.

We, this House, and even more so the Government live, and ought to live, in the full blaze of publicity. There should be nothing hidden. There are many secrets that the Government have to deal with, of course, and we

[Pandit Jawaharlal Nehru]

shall have secrets of that kind, but otherwise our activities must be completely public, open to public questioning and open to public condemnation. No democratic system can function otherwise satisfactorily. Therefore, when anything occurs that is open to public criticism of this kind, we must frankly face the issue and not try to slur over it or gloss over it.

I should like to congratulate the honourable member on the way he has faced this issue, bravely and frankly, and accepted the fact that he had made a serious error at that time, and has in consequence offered his resignation. I replied to him in the terms which members of the House might have already read, and I have nothing more to add to those terms. It was not technically for me to accept his resignation, because appointments and acceptances of resignations are the business of the Governor General. But I recommended to the Governor General to accept his resignation and I have received from him in writing that he has accepted it.

Now, may I just add one or two words more. As I said in my letter of reply to Mr. Shanmukham Chetty I requested him to hand over charge for the present temporarily to my colleague, Mr. Neogy, the Minister for Commerce. Mr. Neogy, when I requested him to take over charge, was singularly reluctant to do so, partly of course, because he is heavily worked, and it was at my earnest request that he consented to carry on till more permanent arrangements could be made. I think, if I may say so with all respect, that this question, unfortunate as it is, and much as we regret its outcome, resulting in the resignation of a respected and valued colleague, may I say this incident reflects credit in the ultimate analysis on my colleague and on this House.

ELECTIONS TO EMPLOYEES' STATE INSURANCE CORPORATION, COMMITTEE ON PUBLIC ACCOUNTS AND STANDING FINANCE COMMITTEE

Mr. Speaker: I have to inform the Assembly that upto the time fixed for receiving nominations for the Employees' State Insurance Corporation, Committee on Public Accounts and Standing Finance Committee, two nominations in the case of the first and one nomination in the case of each of the second and third were received. As the number of candidates is equal to the number of vacancies in each of these Committees, I declare the following members to be duly elected:

I. *Employees' State Insurance Corporation.*—(1) Shri Ajit Prasad Jain and (2) Shri Khandubhai K. Desai.

II. *Committee on Public Accounts.*—Acharya Jugal Kishore.

III. *Standing Finance Committee.*—Shri B. P. Jhunjhunwala.

CENTRAL SILK BOARD BILL

The Honourable Dr. Syama Prasad Mookerjee (Minister for Industry and Supply): Sir, I beg to move:

"That the Bill to provide for the development under Central control of the raw silk industry and for that purpose to establish the Central Silk Board, be referred to a Select Committee consisting of Shri K. Hanumanthaiya, Shri Brajeshwar Prasad, Shri H. V. Kamath, Begum Aizaz Rasul, Shri O. V. Alagesan, Prof. Shibban Lal Saksena, Shri Mihir Lal Chattopadyaya, Shri A. K. Menon, Shri T. A. Ramalingam Chettiar, Dr. P. S. Deshmukh, Mr. R. K. Sidhva, Ch. Ranbir Singh, Srijut Rohini Kumar Chaudhuri, Shri B. A. Khimji, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, I need not say much in commending this motion to the House. This Bill provides for the constitution of a Board representing all interests, regional and otherwise for the promotion of measures for the development of the silk industry in India. The sericultural industry in India, which is an important national asset and occupies a large place in the economy of the states of Kashmir and Mysore and the provinces of Madras and West Bengal comprises of two well defined sections. The first is the production of raw cocoons and the second is the reeling of raw silk from these cocoons and the utilisation of their byproducts. The first of these items is one of the more important cottage industries in the country which offers subsidiary occupation to more than half a million families. From time immemorial the silk industry has contributed much to our country's rural economy. Till recently it was in a flourishing condition and it has been estimated that at one time the annual export of raw silk exceeded £2 million. However, early in this century the position changed and it became necessary to protect the industry from competition from Italy and Japan, particularly the latter country. There have been two Tariff Board enquiries regarding the silk industry in India, the first in 1933 and the second in 1938. A third enquiry will shortly be instituted.

The industry assumed a new importance, particularly on the processing side with the entry of Japan into the second World War. The demand for silk for the manufacture of man-dropping parachutes called for a large expansion of silk manufacture in India, particularly as regards the processing of cocoons. Under this wartime drive the filature basins in the country expanded more than fourfold between 1942 and 1946 and the area under mulberry increased about three times. The achievement of the new parachute silk industry in India during the war period was indeed remarkable. Over 8 million yards of silk fabric satisfying severe international standards required for parachute production were made available to the army and were produced in this country. Thousands of Indian-made man-dropping silk parachutes were used in the farflung theatres of war and must have contributed greatly to its success.

The silk industry was rightly considered important enough for the appointment of a special enquiry committee to make recommendations to the Government of India for its development in the postwar era. The Panel made various recommendations for improvement in quality and increase in production. The Panel recommended that a Central Silk Board should be set up so as to bring together the experience and knowledge of all interests in the various silk-producing parts of the country. A conference of representatives of States, Provinces and other interests was called recently and after discussion with them we decided to take steps for the formation of a Central Silk Board. The experience that we have had with various boards dealing with products like cotton, lac, coffee and rubber shows that such a Board can be of great value to the industry on the one hand and of great assistance to the Government on the other in the formulation of government policy. The Bill which is before the House is based on the unanimous recommendations of this conference. It provides for a Board which will comprise of representatives of the Central Government and the governments of the Provinces and States, which either produce or consume silk and also of representatives of processing industries like the spun silk industry, the twisting industry and the weaving industry. The Board will be largely autonomous in nature subject to the over-riding authority of the Central Government.

Although the matter is more or less non-controversial I thought it might be advisable to refer it to a Select Committee, get its report and place it before the House in the course of this session.

Several suggestions have been made to me regarding some additions to the Board which we have constituted, particularly to include representatives

[Dr. Syama Prasad Mookerjee]

of the Agricultural Ministry. Those proposals may be considered by the Select Committee.

There is one matter in connection with the work of the Board which might be taken into consideration and that is with regard to finance. We had about 400,000 lbs. of silk from Japan some time ago. It has been decided that this quantity of silk should be sold on Government account through the provincial governments of those areas where silk is mostly produced. It is our hope that we may be able to get by the sale of this silk about 20 or 25 lakhs of rupees. Government will make a profit of this amount and it has been decided that this will be placed at the disposal of the new Silk Board, so that its schemes for development of research and other such far-reaching proposals may be quickly given effect to. In addition to that, the Board will have an income from the cess and Government will have to consider how it will be able to place at the disposal of the Board such other funds which may be required for specific purposes.

With these words, Sir, I commend my motion to the acceptance of the House.

Mr. Speaker: The motion does not mention the date by which the Report has to be made by the Select Committee.

The Honourable Dr. Syama Prasad Mookerjee: May I say 'within a week'?

Mr. Speaker: Just as it suits the convenience of the Honourable Minister and the House. I do not think under the Rules it is necessary.

The Honourable Dr. Syama Prasad Mookerjee: Then we may leave it as it is.

Mr. Speaker: Motion moved:

"That the Bill to provide for the development under Central control of the raw silk industry and for that purpose to establish the Central Silk Board, be referred to a Select Committee consisting of Shri K. Hanumanthaiya, Shri Brajeshwar Prasad, Shri H. V Kamath, Begum Aizaz Rasul, Shri O. V. Alagesan, Prof. Shibban Lal Saksena, Shri Mihir Lal Chattopadyaya, Shri A. K. Menon, Shri T. A. Ramalingam Chettiar, Dr. P. S Deshmukh, Mr. R. K. Sidhva, Ch. Ranbir Singh, Srijut Rohini Kumar Chaudhuri, Shri B. A. Khimji, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Srijut Kuladhar Chaliha (Assam: General): Sir, the Bill is not so harmless or so innocuous as it appears. It applies to all the Provinces of India. It also contains a declaration that the development of the raw silk industry will be brought under the control of the Central Government. I find from the Definitions that it is difficult to know whether cottage industries where no machinery is used will be free from trouble or not. The definition of what is 'manufacture' is also not given at all, and this will lead in future to further interference with the cottage industry, the more so in a place like Assam where every householder reels silk. The imposition of a cess will interfere practically with every householder in Assam. The best course for the Government would have been not to levy a cess on raw silk. Probably the Minister for Supply hardly knows that out of 75 lakhs of people about 10 lakhs of families in Assam produce and spin silk. If we are going to levy a cess on every householder who produces about half a lb. or a quarter lb. the interference from the Excise Department will be so much that there will hardly be any woman or child who will be safe from the interference of the Excise staff whom they know only very well. I think there ought to be a certain limit of production and they ought to have said that the limit of production for purposes of the levy should be not less than 10 maunds or so. If the cess is going to be levied it should be on that quantity alone. As it is, under clause 9, the position of raw silk reelers would be very difficult and there will

hardly be any room for persons to continue the work unless the limit is fixed. I think the Honourable Minister would be trespassing into the rights of men and women and every householder in Assam by this sort of legislation. As I find from the functions of the Board, they will have to give statistics, and if it is wrong then there would be some further trouble again.

Then there is another point, namely that if a wrong assessment is made, he or she has to go to the District Magistrate from 50 miles or more for an appeal. It is rather a very difficult process and this arrangement will only give us further trouble; practically it will interfere with the personal liberties of all people.

Then there is another matter. The constitution of the Board is so made that we have very little voice in it in spite of the fact that we are interested in a mass scale there—and every family is interested. Our representation on the Board is only one Member, whereas our interest is almost universal and we ought to have been given more representation on it. The oversight cannot be simply due to inexperience or inability to appreciate facts. I think it has not been properly understood at all as to what part we play in producing silk in our part of the country.

We find under the definitions that clause (j) (iii) includes *muga* and *eri*. In other parts of the country there are certain castes who only reel and spin silk. But in our Province there is no such exclusion. Every family, whether one is a Brahman or comes from the lowest of the low castes, can spin and reel *muga* and silk. As such, my submission is that they ought to have excluded certain varieties and certain quantities from the operation of this Act.

I think in spite of all that has been said it will affect for a long time the small cottage industry. On the contrary it should have been subsidised by the Government rather than that a cess should be imposed upon it. If we compare lac, tea, jute and other industries with this we would be making a great mistake. Those are industries of the capitalists. This is an industry of the smallest of the small people and I therefore think that the imposition of a cess will be a great burden on the very poor people—the poorest of the poor.

I feel that this Bill has many defects and it should be thoroughly examined by people whose representations should have been received beforehand and after that, I think, this should have been placed before the House. I do not think the Assam Government has been consulted at all in this matter and it has not been taken into consideration as to what wil be the incidence of this Bill on the poor people. With these remarks I submit that the Minister in charge may go through these objections and see that no cess is levied at least for twenty years before there is a proper development of the silk industry in this country. The industry is mainly confined to cottages. Of course, people who manufacture on a large scale may be exceptions. As I said before, they may levy a cess on 10 or 20 maunds of production. Otherwise it will be unjust and cruel to levy any cess whatever on the people who produce this silk *muga*, *tassar* and other things on a very small scale. I trust the Honourable Minister will take this into consideration and give more representation to the Province of Assam and also have proper representations in other matters.

Mr. Speaker: I should like to invite the attention of the Honourable Minister to the point about time-limit. I find that this Bill has already been published in the Gazette and so it does not matter, so far as this motion goes if the time within which the report is to be submitted is not mentioned. Otherwise there would have been a difficulty.

Shri S. Nijalingappa (Bombay: General): Sir, it is with mixed feelings that we have to look at this Bill. To the extent that a Board will be set up

[Shri S. Nijalingappa]

to encourage the industry it is welcome. But the way in which production is sought to be controlled is likely to create monopolies, cartels and syndicates. The most offending part of the Bill is the one relating to the levy of cess on reeled silk. I do not know whether the Honourable Minister is aware that this reeling process is purely a cottage industry.

Coming from Mysore I know, as he himself admitted it, that thousands of families are dependent upon this industry. The agriculturist grows the mulberry, prepares cocoons out of the silk worms which he purchases, and then reels in his own home. Thousands of homes produce silk by spinning on the *charkha*. If this cess is to be levied and the agriculturist is expected to give his returns and then these fees and all that, I am sure it will frighten him away from the process of reeling at all. If I may give an analogy, it is like taxing the man who spins and produces yarn, so much so production of silk yarn as such is discouraged and people who have already been starting some centralised industries in this behalf are encouraged, and that our own National Government should do it is certainly not a compliment. Instead of encouraging the cottage industries, the result will be that capitalist industries will be started and will be encouraged.

On two counts this levying of a cess has to be discouraged. In the first place, the industry itself—the process of reeling—will suffer. As a cottage industry it will be adversely affected. In the second place, you cannot expect those poor, illiterate people to prepare those lists; then they have to go to courts of law and all that which again will frighten them. Therefore on both these counts the levying of this cess is very undesirable.

The Select Committee will also have to consider in what way this industry as it exists today will have assistance on a cottage basis without at the same time encouraging centralized industry. Thousands of families can be made to depend on this industry provided silk coming from outside is prevented; except to the extent that it is absolutely necessary, import of silk has to be prevented. If it is at all to be imported, a deterrent duty will have to be levied on it and the funds, if any, used to augment the funds of this Board to encourage the industry, to see to its technical development. The agriculturist knows what quality is and how it is paying.

At the same time I will have to point out that now the rates are fast falling. During the war years many people took to cultivation of mulberry and they earned something. Now the prices are falling and many agriculturists have uprooted mulberry plants and taken to other cultivation. But, Sir, the way in which the subject is approached in the Bill is certainly not satisfactory and I very earnestly hope that the Minister and the Select Committee will see to it that this cess is not levied and no sort of returns are expected from these poor people.

With these observations I wish the Select Committee will go into this thoroughly.

Dr. B. Pattabhi Sitaramayya (Madras: General): My excuse, Sir, for rising on this occasion is that the subject relates to an aspect of industrial life which I really cherish namely cottage industries, and secondly, as a cottage industry silk reeling is not merely an industry of hand-weaving but also of hand-spinning. You know the partiality we have for hand-spinning.

So far as it relates to hand-spinning and so far as it relates to the protection of the hand-spinners and the reelers, my friend has already anticipated all that I might have said, but to me the point of concern is one of constitutional interest. It is generally believed—I think I am right in saying—that when a Bill is referred to a Select Committee the principle of the Bill is accepted. What is the principle of the Bill here? This Bill rests upon three beams: the formation of a Board, the contribution by Government, and

the levying of a cess. If these three are considered, the cardinal principles of the Bill, then the point arises as to whether it is open to the Select Committee to deal with any or all of these points and knock them out. We want the cess to be knocked out (Hear, hear). And unless the Minister in charge of this Bill gives us an assurance that it will be competent for the Select Committee to make such a recommendation if they are so advised, I do not wish to run the risk of its being said that any proposal made by the Select Committee runs counter to the principle of the Bill which has been accepted when the Select Committee is appointed. It is in that view, Sir, that I present my thoughts to the House.

Sir, I really wonder why of all people the Minister in charge of Industry and Supply has thought of this particular method of replenishing the coffers of the Government for spending a little dole upon the poor reelers of Assam and Bangalore and Surat and such other places. After all, you know that every industry relating to handspinning is faced by a formidable competition with imported yarn. From China, Japan, France and other places silk is imported and largely the industry is weaving. In that respect it is analogous to the cotton industry where the yarn is either mill-made or imported, and only hand-weaving is done. Even so, hand-weaving is embarrased. But if the spinning which we want to lay emphasis upon and which we wish to revive as one of the dying or dead industries—whether that spinning is of wool or cotton or silk—if that is to be discouraged and discounted in this manner, then woe be to that industry. Moreover, it is not so much the money that is collected, as the harassment by officers and the processes of travel and worry that are involved in securing remedies against any undue exercise of the law that really frighten us. I therefore hope that the Honourable Minister will reassure the House that it is open to the Select Committee to make any vital change in this Bill. If that assurance is given the passage of this Bill will be facilitated.

Shri S. V. Krishnamurthy Rao (Mysore State): Mr. Speaker, Sir, nobody can dispute the objects of the Bill, but the methods by which these objects are sought to be achieved under this Bill are certainly objectionable. The most objectionable features of this Bill are: firstly, the imposition of the cess, secondly, the penalties that have been imposed for infringement of the provisions of the Bill, and thirdly, the position that has been given to Mysore in the formation of the Board.

In this connection, I would like to place before the House certain facts and figures against the imposition of the cess. It is admitted that 18 lbs. of cocoons produce one lb. of silk. One pound of cocoons is being sold at Rs. 1/4/-. That would bring the cost of 18 lbs. of cocoons to Rs. 22/8/-. The cost of reeling is Rs. 8 per pound of silk which would bring the total to Rs. 30/8/-. The profit of the reeler is only Rs. 2 per pound. So one pound of raw silk has to be sold in the Indian market at Rs. 33 under the present conditions if he has to make a profit of barely two rupees.

What is the cess which my honourable friend the Minister for Industry and Supply proposes to impose on raw silk. The least that he can impose is one rupee per pound of silk; that would take away 50 per cent. of the profits that the reeler is going to make. I submit that this excise duty will be the last straw on the camel's back; instead of promoting the industry I submit it is going to kill the industry. So, this excise duty has to be abolished.

Now, I do admit that in these days nothing can be given for nothing. Is there a way out? I submit there is a way out if only we can grapple with half a dozen importers either in Bombay or in Calcutta. I am going to give figures for that also. Now, silk consumption in India is computed to be 10 million lbs. and the present production of Indian raw silk is about 2 million lbs. So if we have to meet the needs of the silk consumption we have to

[Shri S. V. Krishnamurthy Rao]

import 8 million lbs. I find that about 1½ million lbs. of raw silk and about 6 million lbs. of silk cloth are imported. Now, the silk which we got from Japan was distributed as we were informed by the Industries Minister to the provinces to be sold at rates which they thought fit. Certainly, it helped the Indian raw silk reeler and the raw silk industry, but the silk that is imported from Italy is being sold at Rs. 15 per lb. in Bombay and if imported silk is to be sold at Rs. 15 per lb. how is the Indian raw silk industry going to compete with the imported silk? My submission therefore is that the price of imported silk must be controlled and in this view I am supported by the Report of the Raw Silk Industries Panel that was appointed by the Government of India. On page 23, this is what they say:

"This Panel are therefore of opinion that no matter at what price the silk is acquired by the Government of India, it should only be released in the Indian market at the prevailing prices of Indian silk.".

Now, if only our Government makes up its mind to control the price of this imported silk, there will be no need to impose an additional excise duty and place the raw silk reeler at the mercy of the excise officials, but on the other hand, we will be earning crores of rupees. Suppose, instead of Rs. 15 we sold the imported silk at Rs. 25, that will bring in an additional Rs. 8 crores and the Indian raw silk industry can be given a bonus of about one or two crores of rupees so that they may sell their silk also at Rs. 25. It will give the Indian reeler a profit; it will give him an assurance that the Government is behind him and he can with courage and confidence develop his industry. For this purpose, the Government may appoint a Corporation in which the present import dealers may be given a share. The Indian Government may have 51 per cent. of the shares under its control and the management of this Corporation may be in the hands of the Government of India. Thus, if they can only control the price of imported silk it will give added impetus to the development of the raw silk industry in India. This is my suggestion in the alternative for the abolition of the excise duty as contemplated under Section 9.

Coming to the penalties, this is what they say under clause 14 (c):

"He shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to Rs. 1,000 or with both."

My submission is in a legislation of this kind where the persons affected are mostly rural folk—unintelligent and illiterate—, this penalty is very heavy and I am supported in this view by the Government of Mysore also. My suggestion is that the penalty should be reduced only to fine and not imprisonment. I would be glad if a nominal penalty only is imposed.

Next, Sir, about the position that is given to Mysore in this Board. Under clause (c) the Mysore Government is given three members to be nominated by the Government of Mysore, one of whom shall be a representative of filature interests and one shall be a representative of sericulture interests. My submission is that the allotment of only three seats to Mysore is very unjust. I am going to give some facts and figures regarding that also. The acreage under mulberry in Mysore is 82,000 acres. Each acre produces about 15 to 20 lbs. of raw silk and it gives employment to nearly 2 lakhs of families in Mysore. The Mysore Government have also, during the war, made very great strides in the development of the raw silk industry. In Mysore during the year 1938-39 only 21,187 acres were under mulberry cultivation. In 1945-46, 78,000 acres were under mulberry cultivation. Whereas in Madras in 1938-39 only 5,720 acres were under mulberry cultivation; in 1945-46, 18,026 acres. In Bengal there was no acreage at all under mulberry cultivation in 1938-39, but in 1939-40 there were 8,893 acres and in 1945-46 there 15,516 acres were under mulberry cultivation. As regards the number of filature basins, in 1939-40 there were 150 filature basins in Mysore and in

1944-45 there were 1,437 filature basins. In Bengal, in 1939-40 there were 100 basins and in 1944-45 1,735 basins. In Madras there were 150 filature basins in 1939-40 and in 1944-45 there were 576 basins. In Jammu there were 155 basins in 1939-40 and in 1944-45 also there were only 155 filature basins. In the same way, in Kashmir there were in 1939-40 736 filature basins and in 1944-45 also there were only the same number. Further, the only spun silk factory in India is today in Mysore, at Channapatna, with three thousand spindles and it is going to be increased by another three thousand spindles. Its production is 1,20,000 lbs. of spun silk and it is utilising 60,00,000 lbs. of silk waste out of a total of about 700 or 8,00 thousand lbs. of silk waste, that is to say, about 80 to 90 per cent. of the silk waste produced in India. Out of a total acreage of 1,80,000 acres of mulberry cultivation, more than 82,000 acres are in Mysore and the State is now spending Rs. 16 lakhs over this industry. In addition, we have established modern silk filatures and there is a Spun Silk Mill which is the only one of its kind in India. Also there is a Silk Conditioning and Testing House on international standards. Besides, there is a well equipped Government Silk Weaving Factory for producing high class silk fabrics. For invigorating foreign races of univoltines and bivoltines, two hill stations in K. R. Hills and Biligiri Rangan Hills have already been started. Silk Worm Diseases Control Act has been passed in 1948. There is a proposal to start a Research Station at a cost of Rs. 11 lakhs for capital and Rs. 2.45 lakhs for recurring expenditure. That scheme is under the consideration of the Mysore Government. A regular Sericultural Training Institute for giving training to young men is also being started in Mysore. With so much of interests in this raw silk industry, my submission is that only three seats in a Board which consists of 17 members is very inadequate for Mysore. Today it produces 60 per cent. of the entire raw silk that is produced in India. My respectful submission to this House is that Mysore should get at least five seats on this Board and at least one out of the five that has been reserved for nomination by the Central Goverument should go to Mysore. It won't give proportionate representation and I do not demand it also, but at least it will give adequate representation consistent with the interests that Mysore has got in this raw silk industry.

In the body of the Bill also certain amendments have to be made and one of the most important things is regarding the definition of "raw silk" in (j) where in item (v) spun silk is included. My respectful submission is that spun silk cannot be raw silk, because spun silk is only a by-product of the silk industry. It is out of silk waste that spun silk is woven whereas raw silk is a continuous thread. Therefore, the definition will have to be changed. There are a few other points also, which I would hand over to my friend Mr. Hanumanthaiya who is a member of the Select Committee and when the Bill emerges from the Select Committee I do hope that this excise duty will be removed and proper amendments made and a proper place given to Mysore. If the clause imposing the excise duty cannot be removed, my submission is that as suggested by Dr. Pattabhi, the Bill should be withdrawn and a fresh Bill with proper provisions should be brought before the House.

With these few remarks, Sir, I resume my seat.

Shri Vi S. Sarwate (Indore State): Sir, I wish to have certain clarifications. As regards the extent, I find from section 1 part 2 that the Bill extends to the provinces of India. I would want to know whether this includes the States. From the constitution of the Board it seems that sinc it includes the States, the extension of this legislature must also be extending to the States. If so, that part must be made quite clear. If the States are included, certain legal difficulties may arise, because in the cases of unions recently established they have the freedom of taxation. This means that the board will not be in a position, legally speaking to impose the cess which is contemplated in section 9. This would mean that either the cess cannot be imposed or that the Bill would have to be amended to that extent. I would further point out that the

[Shri V. G. Sarwate]

wording in section 9 is "raw silk produced in India" whereas the extension is only to the provinces. This would mean that the terminology adopted in section 9 is not consistent with that adopted in section 1. I only want this point to be brought to the notice of the House, so that necessary clarifications may be made in the Select Committee.

The Honourable Dr. Syama Prasad Mookerjee: The question be now put.

Mr. Speaker: The question is:

"That the question be now put."

The motion was adopted.

The Honourable Dr. Syama Prasad Mookerjee: Sir, the main criticism which has been made is with regard to the imposition of the cess. Honourable members will see that clause 9 as drafted lays down that Government may levy the cess and fix the rate on the recommendation of the Board. This matter was discussed at the conference which I had convened some time ago and there was a difference of opinion. I quite appreciate that it will not be desirable to levy a cess at least on that section of the industry which is now functioning on cottage industry basis. I am quite prepared, Sir, to have this matter discussed when the Select Committee will meet and I am sure we shall be able to modify this particular clause in such a way which will protect the legitimate interests of the *Charkha* and other sections of cottage industry.

So far as the question of the composition of the Board is concerned, demand has been made with very cogent reasons by Mysore that it should be given larger representation. I quite realize Sir, that Mysore produces a large portion of the silk which is now in use in India and for that reason Mysore gets the largest number of representatives—three—larger than any other province in India. If similar demand is made by other provinces like Bihar, with regard to the composition of coal committees or steel committees, on the ground that a large percentage of members of such Committees should go to that province which produces the bulk of the commodity, we might be landed in difficulty. But here also, I should be quite prepared to discuss the matter and I should like to keep an open mind on the question of representatives of the different interests in the Select Committee. My only request is that we should not make the Board too unwieldy; it must be a business-like board; it might meet three or four times a year, so that in the first formative period we may be able to lay down a policy which will meet the requirements of all interests.

So far as the general question is concerned, the position is, we are producing about 20 lakhs pounds now in India and we are importing about 10 lakhs. Now the price of silk in India is roughly about Rs. 30 per pound and the average price of imported silk is about Rs. 15 per pound. One suggestion has been made that we should have some sort of control over imported silk and artificially raise the Indian price. There are certain limitations beyond which it is not possible for any Government to go; it will not be possible for the silk industry in India to progress by this sort of artificial imposition of very high prices on imported silk which may come to this country. We shall have to think of other means of protecting the silk industry, of seeing that it grows in larger quantities and also that its quality may improve. It is now for the purpose of enabling Government to take suitable action in all these matters that this Bill is being brought forward. And Government will not hesitate to take such reasonable steps as may be required for the purpose of protecting the legitimate interests of silk industry in India.

There was a question that the last speaker asked as to whether this would apply, when passed, to the States. The constitutional position is that this

legislature is not in a position to legislate for the States. The States concerned will have to pass corresponding legislative measures as soon as this Bill is passed into law by us. I know there will be no hesitation on the part of, at least, those states to come in line with us like Mysore which expect help and co-operation from the Government of India. This is purely a constitutional aspect and has been borne in mind in framing the Bill.

Mr. Speaker: The question is:

"That the Bill to provide for the development under Central control of the raw silk industry and for that purpose to establish the Central Silk Board, be referred to a Select Committee consisting of Shri K. Hanumanthaiya, Shri Brajeshwar Prasad, Shri H. V. Kamath, Begum Aizaz Rasul, Shri O. V. Alagesan, Prof. Shibban Lal Saksena, Shri Mihir Lal Chattopadyaya, Shri A. K. Menon, Shri T. A. Ramalingam Chettiar, Dr. P. S. Deshmukh, Mr. R. K. Sidhva, Ch. Ranbir Singh, Srijut Rohini Kumar Chaudhuri, Shri B. A. Khimji, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

BOMBAY, CALCUTTA, AND MADRAS PORT TRUSTS (CONSTITUTION) (AMENDMENT) BILL

The Honourable Dr. John Matthai (Minister for Railways and Transport): Sir, I move:

"That the Bill to amend the constitutions of the Port Trusts of the major ports of Bombay, Calcutta and Madras, be taken into consideration."

The matter to which this Bill relates is the constitution of Port Trusts of major ports. There are various matters relating to Port Trusts other than the constitution of these bodies which this House at some time would have to consider. That matter is now under the consideration of Government, and I hope at a subsequent stage it will come before the House. At present we are concerned with the question of increased representation for Indian commercial interests on these bodies. As the result of constitutional and political changes and as the result of variation in the relative importance of these interests since the present Acts came into force, Government have come to the conclusion that it is necessary immediately to take up the question of providing increased representation of Indian commercial interests. This is the primary purpose of this Bill. But we have taken advantage of the introduction of this Bill also to provide for more representation of labour interests than we have been able to do so far, which in the present labour situation in the country is a matter of great practical importance. We have taken advantage of the introduction of the Bill also for providing a little more uniformity as between one part and another in the representation of Government interests. As regards the major purpose of this Bill namely increased representation of commercial interests, the House will observe that we are not embodying any definite proposals in the Bill itself. What we propose to do is that the House should entrust Government with power from time to time by notification to provide for adequate representation of Indian commercial interests. That would be a flexible arrangement. From a practical point of view it is a more satisfactory arrangement. The House will find that in the schedule we have provided that the bodies to be represented, and the quantum of representation to be given to these bodies are all matters which would be dealt with by notification from time to time by Government. The matter is a simple one and I commend the Bill for the consideration of the House.

Mr. Speaker: Motion moved:

"That the Bill to amend the constitutions of the Port Trusts of the major ports of Bombay, Calcutta and Madras, be taken into consideration."

Mr. R. K. Sidhva (C.P. and Berar: General): Mr. Speaker, Sir, you will remember that in the first session of this Parliament, namely in the month of November, I moved three Bills for the amendment of the Bombay, Madras and Calcutta Port Trusts Act. After the introduction of these Bills, we have not yet seen the light of these Bills being discussed. That is generally the fate of non-official Bills. I do not know when I will have the opportunity of presenting these Bills for first reading. I am, therefore, glad, Sir, that the Honourable Minister has considered this matter urgent and important and brought the Bill himself so that it has made it easy for me to see that these amendments to the constitutions at least, which are of an urgent nature, will be given effect to. In my Bills, of course, I have touched many other points, as the Honourable Minister himself has stated that the Act requires a thorough overhauling. I will not therefore go into the matter in detail because I am satisfied with the assurance given by him that he is going to bring in amendments of a comprehensive nature for the modification of many of the important sections. For instance, Sir, the Port Trust meetings are always held in camera, with the result, that the important matters that are discussed there are unknown to the public and the members therefore become irresponsible, knowing that their conduct is not being criticised either by the press or by the public. From my experience, I can say that they act in many respects irresponsibly in many matters. Therefore, it is high time that the Honourable Minister will give at least to this matter immediate consideration, and move an amendment that all meetings should be open to the public and the press.

There is another anomaly. Of course that is a very simple one which the Honourable Minister could have corrected in this Bill, that is, with regard to the designation of the members. The members of the Bombay and Madras Port Trusts are called Trustees; but the members of the Calcutta Port Trust are known as Commissioners. There should be uniformity in this matter. I would have preferred that all the members should be called Port Trustees or Commissioners whichever he thinks best. Port Trustees is the general expression used in many of the major ports.

Mr. Speaker: If he is going to the next point, I think it is time to adjourn for Lunch. By the way, does he propose to move his amendment for referring this Bill to a Select Committee?

Mr. R. K. Sidhva: No, Sir. I would not press for that.

Mr. Speaker: Professor Shibban Lal Saksena is not here. These two amendments fall through. Discussion on consideration motion may continue at 2.30 P.M.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Mr. R. K. Sidhva: Sir, I was saying that many amendments require to be made in this Act and the Honourable Minister has stated that he is already considering the question of bringing in a comprehensive Bill with the necessary amendments. The present Act was passed sometime in 1879 and there are questions of wharfage, pilotage and demurrage which affect merchants greatly and they have from time to time made representations to the Port Trusts; but nothing tangible has come out of it, in one of the Port Trust matter it was suggested that unless the provisions of the Act are amended nothing could be done in that direction. I therefore suggest that no time should be lost in bringing in a Bill after scrutiny of all the provisions of the Act so that it may fit in with present conditions.

Now coming to the present Bill, while the Act now in force gives the right to commercial bodies to elect representatives themselves—and the names of such bodies are mentioned in the Act itself,—the present Bill deprives those bodies of that right. Although it is stated that the remaining seats shall be filled from commercial interests it is left absolutely to Government to select these commercial representatives as they deem fit. In these progressive days I feel that we should give the right of election to these commercial bodies who should be named in the Bill as they are named in the present Act. It is only proper that this House should be given an opportunity to know what bodies are going to get representation. Today there are many bodies which have been existing for the last half a century, and one does not know what is going to happen to them. On the other hand I feel that while power has been vested in Government many mushroom associations will be started for the purpose of getting representation. It has been our experience in the past that when the thing is left vague and open new associations with all sorts of credentials are started and they use all their influence to get representation and their names are recognised. From that point of view I would prefer that the legislature should be given power to name the bodies. There are many new commercial bodies which require representation and I see no reason why the legislature should be deprived of the right of discussing the names of the bodies who they think deserve to be represented; I do not know what explanation the Honourable Minister has to offer for taking away that right.

Then turning to page 2 you find from the Schedule that while the Bombay Municipal Corporation now enjoys two seats it is proposed to give them one only. The representatives in the Corporation represent the people of the city and of the province and the Corporation has much to do with these ports. So I do not understand why one seat is sought to be taken away from this body. I suggest—of course it will be discussed on the amendments—that there should be uniformity for all the Corporations of Bombay, Calcutta and Madras, which should be given three seats each or at least two. The present Act gives two seats in Bombay and one each in Madras and Calcutta. I suggest uniformity of representation on all these three bodies for their respective Corporations.

Then, I am glad that one additional seat has been given to labour organisations. At present labour has one seat but that also depends on the whims of Government, and a conflict was going on in certain ports as to whether this labour representative had or had not been properly chosen. I know in certain ports a capitalist was chosen in the name of labour and there was a great deal of agitation on this matter. I am glad that to that extent this Bill makes an improvement.

Then I find that in place of nine nominated members in Bombay there are to be 11 nominated members. So the nominated seats are increased and the elected seats reduced. It may be argued that today it is our Government and there should be no distinction between election and nomination. I do not share that view. Although it is our own Government the people should have a greater right to choose their own representatives. Government may have their own representatives certainly, but not to the extent the present Bill seeks to give them. In place of one military representative the present Bill provides for two, one from the Royal Indian Navy and one from Defence. I do not grudge that but I do not want the elected seats to be reduced. I rather want them to be increased so that the views and grievances of trade and commerce, of the general public and the passengers should be represented. The General Managers of the B.B. and C.I. and G.I.P. Railways are *ex-officio* members, but the passengers also have a great deal to do with these steamers. All these coastal lines carry passengers; they have ventilated heaps of grievances which have a lot to do with the Port Trusts, but these have not been redressed. If the General Managers go on behalf of Government, there are

[Mr. R. K. Sidhva]

recognised Associations on behalf of passengers. For instance, the Passenger Traffic and Relief Association of Bombay is an old recognised Association which should be given representation so that they can express the voice and views of the travelling public. The travelling public brings a large revenue to the steamship companies and these companies have much to do with the Port Trusts and I feel that they also should be given representation by election.

Then Sir, in Bombay, the Export and Import Associations—I mean the merchants representing the export and import trade—contribute something like Rs. 3½ crores to the Port Trust and they are not given representation. They have been representing that they are directly responsible for the working of the Port Trust and they have been giving it very large revenue. It may be argued that commercial interests include Export and Import interests. There are also the textile people, the coal interests and so many other people that come into it. But the export and import interests have so much to do with it, yet they have no voice in its constitution. It would have been better if each member from each Port placed his views and that the Honourable Minister after considering their views had given his decision in this House. That would have been a more equitable way of dealing with the issue rather than that the Honourable Minister should have taken the power to himself and restricted those representations.

Therefore, from that point of view this is a retrograde measure. With all seriousness I must say that it is not a progressive measure. He has cut down the present existing number of seats of the elected members and increased the number of nominated seats. It is now left to the House to decide whether it feels that the power should vest in the Government only. I would request them to consider very seriously the reactions of this viewpoint when it comes up before Government.

Then there is the Andhra Chamber of Commerce in Madras. Recently by an amendment one seat was given to them. It is an important Chamber of Commerce but probably because it is in Andhra, it must have been neglected. Originally it was given to the Madras Chamber of Commerce. Then the Andhra Chamber of Commerce represented and 10 years ago they were given one seat. Later on they represented for two seats. I have seen the correspondence. The Port Authorities agreed that when the next amendment is made, they would be given two seats.

I do not know what their fate is to be. But that is the view I am placing before this House, especially when we know from experience that these are the bodies that really require proper representation.

Now the Honourable Minister may sit, or he may take someone into confidence and discuss the matter and then come to a decision. Of course, I know that the Madras view is always predominant in this House. I do not doubt, that Andhra will get their views heard knowing as I do the position in this House so far as South India is concerned. With all that I would have preferred that this matter should have been given consideration.

Then I do feel about the Howrah Municipality. It is very much interconnected with the Calcutta Corporation and Mr. Chatterjee has moved an amendment to that effect. I do not know what the Honourable Minister feels about it. He could make out a case why these bodies require representation. It is not because they are municipalities or such and such an Association but because they place their arguments forcibly, strongly and as they are entitled to. We have the experience of the Montford Reforms. When Montagu came to India and he wanted to see many Associations for the purpose of representation, mushroom Associations started and thousands went to him and claimed representation. That is the danger that I apprehend even in our own free country. The Honourable Minister cannot prevent too many new

associations from tomorrow onwards coming into being and they will bring all sorts of influence from outside. Why should the Minister take upon himself to appoint certain bodies or persons, though he might even consult his Standing Committee or someone else? Instead of being so restrictive, why should he not come before the entire House. After all, we could express our views. We could understand what were his objects. Today, I do not know what are his objects for taking away this right.

It is not a new innovation that I am suggesting. The right exists at present and it is being taken away. Unless he has a very strong argument against it. I am not prepared to accept that proposition, namely, restricting it to Government because it is our popular Government, assuming that they will do justice, it is not proper to let things remain as they are. If that was the proposition we were to accept, then much of the business before this Legislature should not come before the House. It might go to the Minister, and be might, considering he is a popular Minister at most consult the Standing Committee of his Ministry and pass the laws. But we know that that would never be accepted by any democratic Parliament.

Then I was suggesting, particularly, if the Honourable Minister will kindly accept this proposition, that all the Port Trust meetings should be kept open. If this comes from the Government there will be no objection to its being accepted. I am very keen on this, because I know many things happen in camera—most undesirable things: members feel that the proceeding are not published and they are not given publicity, therefore they act irresponsibly.

A Port Trust is a local body just as a municipality or corporation the Honourable Minister knows that. Up to 15 years ago the Port Trust was a provincial subject. Subjects relating to Port Trusts never came before the Central Legislature. But when the British Parliament introduced provincial autonomy they felt that the members might capture seats and the European interests will not be safeguarded and kept intact. Parliament therefore made a change and trasferred this subject from the province to the Centre. That is the genesis of this Act. From the very commencement of the enactment of this Act up to 15 years ago, it was a provincial subject. I therefore feel that this being a local body should be treated on a par with the other local bodies. If the Corporation of Bombay, or Calcutta, or Madras can be a public body in all its doings, and all its business be open to members of the public, I see no reason why the Port Trust proceedings should not be kept open to the public. It may be argued that there may be technical matters and secret matters like in times of war or in case of movements of ships which they would not like to disclose to the public. In such event there is a proviso in the Act whereby a Chairman can delegate to himself powers which were vested in the Board. The last war is a proof of that. In the last war certain provisions of the Act gave certain powers to the Trustees. The Chairman under instruction from the Government of India took those powers to himself and deprived those Trustees of those powers on the ground that they were defence measures and secrecy necessitated that such powers vest in the Chairman. To that extent I am prepared to accept it. There are many other remedies for the purpose of keeping secret the movements in the Ports and therefore, Sir, I see no reason why the meetings should not be thrown open to the public, at least for the press.

Then, Sir, I also feel that the Chairman who is now a nominated member does not fit in with the present condition. The present Bill says that the Chairman should be nominated. The Honourable Minister has also provided in the schedule that he should be nominated. My own view is that at present the Chairman is an administrative officer as well as the head of the Board. That has created many times bitterness between the Chairman and the port trustees.

[Mr. R. K. Sidhva]

I contend that there should be a highly paid chief executive officer whose business should be to look after the administration and the executive work only. He shall merely attend the meetings but shall have no vote. He can participate just as we know it is the case in other institutions. He shall not preside but he might take part in the proceedings and he shall not have the right to vote. I should have expected that change as a result of the change in the constitution which is being made. I hope the Honourable Minister will consider this. Again it may not be said that now we are a free democratic government where nomination or election makes no difference. That argument can never be accepted if it were to come on those lines.

There is only one more point and that is as regards the Deputy Chairman. In some port trusts there is a vice chairman and in some there is none. I would suggest that there should be uniformity. There should be a deputy or vice Chairman in each Port Trusts, so that during the absence of the Chairman there may not be election of a temporary chairman to work in the place of the chairman. Although one Act provides for it I do not see any reason why there should not be an elected vice chairman for all the port trusts.

Having said all this I certainly welcome the measure to the extent it goes.

[*At this stage Mr. Speaker vacated the Chair, which was then occupied by Shri K. Santhanam (one of the Panel of Chairmen).*]

It does not go as far as I wanted. I do not know what is behind the mind of the Honourable Minister when he says that he will himself select the commercial bodies. There are Chambers of Commerce.....

Mr. Chairman: The honourable member has referred to this point more than once.

Mr. R. K. Sidhva: No, Sir, I am referring to European Chambers of Commerce. I have not at all referred to these chambers of commerce—the Bombay Chamber of Commerce, the Madras Chamber of Commerce and the Bengal Chamber of Commerce. Though the name is Chamber of Commerce and ordinarily its constitution does not restrict to one community, viz., the Europeans, it is well known that they have a big majority of European members. There are of course half a dozen or a dozen Indian members but I have never seen an Indian being returned by these European Chambers of Commerce to any Port Trust so far, although there are Indian members in them. Therefore I do not know what is the view of the Honourable Minister in view of the changed conditions. This will also have to be borne in mind. If the Bill had gone to the Select Committee or the House had been given an opportunity they would have discussed, given their opinions, understood the Honourable Minister's view point and probably they would have agreed to what he said and the matter could have been very amicably and satisfactorily settled. With these words, Sir, I commend this Bill to the acceptance of the House with the modifications I have suggested.

Shri Prabhu Dayal Himatsingka (West Bengal: General): Mr. Chairman, I whole heartedly support the scheme of the present Bill and I will make certain observations with reference to the Calcutta Port Trust. The Bill as framed gives certain elasticity to the bodies which will be entitled to elect their representatives to the different Port Trusts. At the present moment under the present Act in Bombay, Madras and Calcutta certain bodies which are entirely bodies of European commercial interests have the largest number of representatives. In Bengal there are 7 members from two associations—the Bengal Chamber of Commerce and the Calcutta Trades Association which are exclusively European—in which there are practically no Indian members. They have the majority of representatives but Indian commercial interests have only four representatives. In the present scheme of the Act certain bodies have been mentioned and some will be notified from time to time in the Act itself.

That certainly gives room for bodies which go out of action and which do not represent commercial interests perhaps at a future date still having representation but this scheme as in the present Bill whereby Government has been given power from time to time by notification to specify the commercial interests or local bodies which will be entitled to elect members, certainly gives wide elasticity to Government to select such of the commercial bodies which actually represent commercial interests at a particular moment when the notifications are issued. That will certainly obviate the necessity of the Government having to bring forward amending Bills when certain bodies cease to represent active commercial interests. In that respect definitely it is an improvement by keeping it in this form and therefore I do not agree with my honourable friend Mr. Sidhva when he wants certain bodies to be mentioned by name.

So far as the Calcutta Port Trust is concerned I would suggest that the Howrah municipality should be given at least one representative, either the Chairman *ex-officio* or the municipality should be entitled to elect one member. As you know, on one side is Calcutta and on the other side of the river is the Howrah Municipality which extends throughout the length of Calcutta and the Port Commissioners also have extensive properties which ought to be subject to certain taxes of the Howrah Municipality. At the present moment the Howrah municipality has no representation though it is vitally interested in the Calcutta Port Trust. Therefore I would request the Honourable Minister to take into consideration whether or not they should give at least one member to the Howrah Municipality by way of election.

The present provision will also remove any mushroom associations which might crop up. After all we must trust our own government. If we are to have the same mentality as before and make a distinction between the Government and the public I think that will not be the proper spirit, at least for sometime, unless we feel that the Government is going far from public opinion. Therefore I whole-heartedly support the *ex-officio* members named, and make this suggestion that the Howrah Municipality should be given one representative and before the words "commercial interests" I would suggest that the word "Indian" should be added. So long the European commercial interests monopolised this and certainly it is time (*An Honourable Member*: "What about the exclusion of communal commercial interests?") When it will be elastic and Government will have the power to name the commercial bodies which will be entitled to elect members, certainly it will be for the Government to decide as to what policy they are going to follow. If the Government think that no communal bodies should be given representation it would be open to them to exclude the Muslim Chamber of Commerce, and such other chambers of commerce which are exclusively communal. That will be open to the Government and when there is that power I am certain that Government will exercise it with discretion.

Shri S. K. Patil (Bombay: General): Sir, I rise to make a few observations on this Bill. It is not a day too soon that this piece of legislation is coming before the Legislature. For many years there has been a clamour, almost a persistent clamour, that important commercial interests were very inadequately represented on these Port Trusts. I have got personal experience so far as the Bombay Port Trust is concerned and we have been clamouring for the last many years that the Act should be mended. But as the Bill has now come before this House, it is for the first time that we are trying that adequate representation should be given to Indian commercial interests. It is not true that only the Indian commercial interests have to be represented. As the Statement of Objects and Reasons makes it abundantly clear increased representation is to be given to Indian commercial interests but if it is to be suggested by that that any other interest is not to be recognised at all, then naturally we could have that word "Indian" also removed from that. When

[Shri S. K. Patil]

the words "commercial interests" are used I take it that, because of that the power has been retained by the Government to make allocation of these seats as they like considering the respective representative character of those commercial interests. But I take it that the Indian commercial interests are going to have a preponderant voice so far as the constitution of these Port Trust Boards is concerned.

8 P. M.

My honourable friend Mr. Sidhva has come out with the usual argument which we have advanced in this Legislature and other Legislatures time and again that there are so many seats which are going to be filled by nomination. I may just illustrate the point by taking the case of my own Port Trust, the Port Trust of Bombay. There two seats have been given to Defence Services, two to representatives of labour chosen by the Central Government—they are labour seats—one to a representative of the Mercantile Marine, then there is the Collector of Customs, the General Manager of the G. I. P. Railway, the General Manager of the B. B. and C. I. Railway, one representative chosen by the Provincial Government and the Municipal Commissioner for the City of Bombay. If you see the scheme of the old Act many of these nominated seats were there before. There is one difference between the old set-up of things and the new set-up of things. In the old set-up a nominated member had to carry out the behests of a government which was not a popular government or a representative government. I am not putting a premium on nomination, but the House must learn that in the new set-up, although this kind of distinction will still be there—no doubt an elected member will always remain an elected member and a nominated member will always remain a nominated member—it does not really become so very obnoxious as it used to be in the old set-up of things. So I am not at all worried that there are ten nominated seats in the Port Trust of Bombay, possibly eleven in the Port Trust of Calcutta and a corresponding number in the Port Trust of Madras. I am merely pointing out to my honourable friend that in the changed circumstances these things are essential. Whether there should have been more elected seats is a different matter. But so far as these ten nominated seats have been given to these particular officers or organisations it is in the fitness of things.

So far as elected interests are concerned, I am in agreement with my honourable friend Mr. Sidhva. As regards the Bombay Port Trust only one seat has been given to the Bombay Municipal Corporation and the allocation of seats representing commercial interests has been entirely left to the Central Government. I think it is a very cautious step that the Honourable Minister for Transport has taken. Now it is very easy to name the commercial interests—and this Legislature has a right to name them and to allocate the seats after naming them. No doubt it sounds very well. But my honourable friend knows that there are ever so many commercial interests—some long established ones. But it would not be proper that you name a few and do not name the others. It becomes a very dangerous proposition to do. So far as Bombay is concerned, there is the old established institution—the Indian Chamber of Commerce which is the oldest institution and by far the best institution that this country has got of that standard. Now, it could easily have been named. You cannot name one or two and not name the others. There are other institutions. There is the Maharashtra Chamber of Commerce, a new institution that is trying to compete with the Indian Merchants' Chamber. There is a Muslim Chamber of Commerce—another new institution. There are other associations—both European and Indian. And some of these commercial institutions are still in formation. It is not that they are very old and established and their membership is continuous. If that were so it would have been a different proposition altogether. Therefore, with regard to the other seats that have been left to the commercial interests I am absolutely certain that the allocation of these seats should be made according to the

importance of the particular bodies. But surely, as has been pointed out by some honourable member here, although not in a speech but by an interruption that communal institutions have not got to be recognized. Here comes the question of communal interests, namely, that the Muslim Chamber of Commerce has made its claim. The Maharasbtra Chamber of Commerce is not a communal body but can be called a provincial body. But there is a body called the Indian Merchants' Chamber which is all-inclusive. Its membership is open to everyone, to Hindus, Muslims, to peoples belonging to various geographical territories and provinces. Why not these bodies merge into the Indian Merchants' Chamber so that it shall be the only body representative of the commercial interests of the City of Bombay? In fact it is so and therefore the Honourable Minister in charge of this Bill has really very cautiously provided that these seats should be reallocated according as the Government thinks fit. For, these Acts are not amended year after year. It is after many years that it has come for amendment. Some of these institutions are mushroom institutions. They are there now and may not be there after five years. Therefore it has been rightly provided by the Government to reallocate these seats from time to time according to the interests of these Indian merchant elements.

Coming to another aspect of the case, namely, that some of the public bodies should have been given more representation, there surely I join hands with my friend Mr. Sidhva and I plead particularly for the Municipal Corporation of the City of Bombay. Under the old Act, for the last many years we have been enjoying one nominated seat. That means, the executive head of our Municipal Corporation is a member of the Port Trust. And there were two elected seats to the Municipal Corporation. In fact we were hoping that in the new set-up of things the Municipal Corporation, representing as it does a population of three and a half millions should come in for an increased representation rather than the reduction of a seat in its representation. That fact was pointed out to the Honourable Minister in charge of the Bill very recently—about a month back. The Bombay Municipal Corporation by a unanimous vote has passed a resolution requesting the Minister in charge that the reallocated representation should remain as it was, namely, two elected seats and that our nominated representation should also be increased by adding one more seat, namely, that along with the Bombay Municipal Commissioner there should be the Special Engineer or the City Engineer of the Bombay Municipality. I shall explain the position. Along with their normal duties there are other responsibilities and duties for the Port Trust which this House must take note of. So far as the Bombay Port Trust is concerned, there are large properties and lands which are to be administered by the Bombay Port Trust. It is not merely the work connected with the marine but it is actually duties of the type which the municipality performs which have got to be performed by this Port Trust. The Port Trust in Bombay is in possession of vast lands. They were given in those good old days and they are still held by them and they have not been requisitioned. They are held by the Port Trust. There are hundreds of houses on the properties of the Port Trust. They are not necessarily used by the Port Trust but they are used for commercial and residential purposes. Therefore this is a small municipality as it were within a large municipality. Although in regard to municipal law the jurisdiction of the Bombay Municipal Corporation holds good, in many other respects, they being the owner—and it is not an individual owning a property but it is a local body owning the property and owning as large a property as the Bombay Port Trust holds—there are many questions in which the Bombay Municipality is very vitally concerned. Therefore we thought that along with the Municipal Commissioner there should be the City Engineer who is the proper authority really so far as engineering problems are concerned. Luckily the Bombay Municipality has got a City Engineer who has not only a national but an

[Shri S. K. Patil]

international reputation so far as marine engineering is concerned. Although he is not a member of the Port Trust he is often consulted by them. Along with his other responsibilities as City Engineer he has a thorough knowledge of marine engineering as well. Therefore it would have been in the fitness of things if instead of one nominated seat which is now given to the Commissioner of the Bombay Municipality as the executive head of that body two had been given, namely, one to the Commissioner of the Corporation and the other to the City Engineer of that Municipality.

So far as elected representation is concerned, our original quota of two should be restored instead of the reduction of one seat. I am told and it is true from the scheme—I could find it after reading the Bill—that the Honourable Minister in charge of the Bill wants to introduce a kind of uniformity in all these things. I am one with him so far as that particular argument is concerned. But so far as the old Acts were concerned the membership in the various ports differed. As it is, here also, the Bombay Port Trust has been given 24 seats, Calcutta 21 and Madras 20. Of course there is nothing like uniformity in that because some cities are more developed so far as port trust activities are concerned while others are not. But so far as representation is concerned an attempt is made that there should be as much uniformity in all these things as possible. If that is the argument I could quite grant that he cannot give something to the City of Bombay which is denied to Madras and Calcutta.

Therefore, I would humbly request this to the Honourable Minister in charge, in connection with the claim of Bombay. This claim is not for the nominated seat, but if he were really generous enough to give us along with the seat for the Commissioner a seat for the City Engineer also, it would be really in the fitness of things because it would be in the interests of the Port Trust itself, more than in the interests of the Corporation, because he is an officer who looks after these interests even now without being a member. If it is not possible, because if a seat is given to the City Engineer of the Bombay Municipality, possibly on the same analogy a seat would have to be given to the Madras and Calcutta Corporations also,—I have no quarrel with him just now. He may think of it and bear these things in mind when the Bill comes up for another amendment in future.

My request is that so far as the elected representation is concerned it would be a grave injustice that a local body of the eminence and type of the Bombay Municipal Corporation should be deprived of a right which it has enjoyed for so many years. Our quota of two should be restored and with that object in view I have moved certain amendments.

So far as the claim of the Howrah Municipality as put forward by the honourable member who just preceded me, is concerned, I think it is also equally correct. I think it would serve the purpose of uniformity also, because if the Bombay Municipality gets two seats as it always had, I see no reason why the Calcutta Municipality and the Howrah Municipality should not have. Howrah is separated by river and I think the Howrah Municipality has more to do with the Port Trust than the Calcutta Municipality. If they are two and we are two, I think we are not taking away from the great principle of uniformity.

Therefore, I beg of him that this very reasonable request that I am making should be accepted and when he comes in for amending the Act again—not immediately—all these other things, namely, the nomination of the Engineers, etc., should be taken in hand.

With these words I indeed welcome this Bill.

Srijut Kuladhar Chaliha (Assam: General): Sir, I hardly find any difference between the old and the new regimes. It seems to me that the Government of Assam is forgotten. (*An Honourable Member*: "Have you got a Port Trust in Assam?") I shall come to it, whether we have a Port Trust or not.

I say about 40 per cent. of India's total consumption of petrol is supplied to India and it passes through Calcutta Port. About 400 million lbs. of tea is exported from Assam and passes out of the Calcutta Port. Yet, unfortunately like the old habit of not giving us any representation, the present Government has also forgotten us entirely.

There is one representative of the Provincial Government, chosen by the Provincial Government, and that means, of course, West Bengal. He has absolutely forgotten that the entire machinery for the two thousand factories in Assam passes through the Calcutta Port. Yet, this Government which is a popular Government has forgotten very definitely our claims. We have got an Indian Tea Association there. (*Shri Suresh Chandra Majumdar*: "Is it your point that a part of petrol produced in Assam passes through the Calcutta Port?") A great part of it. It is we that supply to India 40 per cent. of petrol and almost 400 million lbs. of tea—85 per cent. of tea we produce passes through Calcutta. Machinery for about two thousand factories passes through Calcutta Port upwards. Well, I thought Mr. Maitra will have some consideration for us. He forgot; he was very anxious to represent Howrah Municipality and forgot the entire Province of Assam, though of course he has a lot of business there.

In fairness and justice to our Province you ought to have given at least one representation to the Province of Assam. There is the Indian Tea Association which you can leave because it is a European body. But there is an Assam Valley Tea Association which ought to get representation in this body. Otherwise you will be doing us injustice; it is a sheer injustice to forget us because the entire products of Assam like tea, and petrol and the entire machinery required, pass through, at least most of it passes through Calcutta Port.

I submit that to forget Assam in your Bill is rather an omission which can hardly be excusable. Yet these small Bills are so dangerous; if you read them you find that every time and in every place Assam is forgotten, and more so by the Minister for Railways—of course, forget the Railways, I won't say anything about them here. I hope from this time onwards he will not forget Assam. It is rather unfortunate that we are not vocal. We do not know how to talk: our gift of the gab is very small. That is the reason why people from Madras get a better share and people from Bengal still better. We have neither the voice, nor the strength, nor the aspiration. That is why we are forgotten. I hope the Honourable Minister will see that there is one member from Assam; one member from the tea industry should be represented; otherwise there will be great injustice to our Province.

Shri T. T. Krishnamachari (Madras: General): Mr. Chairman, Sir, it seems to me that the Honourable the Minister for Railways has provided a lucky dip from out of which every member of the House wants to take his own share. Actually, things are not quite so easy as all that. I quite agree with some of the speakers who spoke before me that the arrangement of representation of the various interests in the Port Trusts has to be reconsidered. From that point of view, I welcome the measure. But at the same time the emphasis on the quantum of representation for various sectional interests and various bodies seems to me to be rather misplaced. In a body like the Port Trust it is undoubtedly necessary that various sectional interests should be represented so that their claims could be heard, their grievances redressed, and it can always be done by any special interest or any large interest having one member equally as well as it could be done if that body or interest has two or three

[Shri T. T. Krishnamachari]

members. So, it is not so much as having two representatives or three representatives for a particular interest as to have one active member to represent that particular interest. If, as is sought to be done in this measure, representation for various commercial and other bodies is widened, I think it is only fair that a large number of interests should be represented rather than have two or three representatives for any particular body unless it be that that body is a composite body having to represent varied and sectional interests. But I think the emphasis, in my view, is rather misplaced and I do hope that, when the Honourable Minister arranges the representation of bodies mentioned in the schedule, he will arrange it in such a manner that a number of interests will be represented and no one of them will have more than a single representative.

The second factor that I would like to mention is this,—confined to experience of Madras, perhaps the Bombay Port Trust and the Calcutta Port Trust behave differently,—I have found that commercial interests who want to get in the Port Trust are very anxious for getting elected. It involves often the expenditure of a lot of money; there is a lot rivalry and a lot of canvassing. Ultimately when they get elected they do not attend the meetings of the Board. Something must be done to ensure that they attend the meetings of the Board. Another thing that should be done is that the fees that are paid for attendance at this Board should be something not very attractive. Now I think it is about Rs. 32 and in some cases perhaps a little more. I see that since honourable members of the House have been very active and taken all the Port Trust Acts from the Library, I found only the Madras Act and there the question of fees is left to the particular Provincial Government to decide. I am sure the same power vests in the Minister of the Central Government. If the fee that is to be paid is a nominal fee, just as a taxi fare or something like that, the race for getting a seat on the Port Trust Board will not be so keen and only such of those who are interested to serve their particular interests or their particular community would be eager to come in.

Another fact which I think the Honourable Minister had better note is that patronage for the Port Trust Members as such had better be reduced to the minimum. That, again, is another fact which induces these people to seek the membership of these Port Trusts. If their work is confined to the actual day to day administration of the Port Trusts and to dictating of policies and deciding of questions as and when they arise and they have no hand in the question of appointing their friends or relatives or other people to various jobs, well, then the genuine worker would find a place in these institutions.

Sir, I have noted with considerable care the large number of arguments marshalled by my friend Mr. Sidhva in favour of enumerating in the body of this measure the representation for these various bodies. I find so far as the Madras Port Trust Act is concerned, that there has been a modification in the type of representation in 1941. I am quite aware that some of us were partly responsible for carrying on an intense agitation in the period preceding this particular amendment. Now, we find that that is out of date and that is why I feel that the particular method which the Honourable Minister has chosen of leaving to the government to determine what are the bodies that ought to be represented is perhaps the wisest possible thing in the circumstances.

A friend mentioned a few minutes back that some of these bodies which will now get representation, will arrive at a stage later on when they do not deserve that representation. Several rival bodies come in existence which take away a portion of the importance of the bodies to which representation has been given. Actually, this is a matter which has got to be very carefully considered. A periodical revision say, once in three years, would perhaps ensure that the bodies that are represented in these Port Trust Boards are really live

bodies having definite interests and having members who could contribute to the better working of the Board

One matter about which the Chairman and I had given notice of an amendment, namely, the question of keeping the Europeans out, I have on further consideration found that it would be as unwise to define the racial composition of the Board by confining it to Indians which was intended to counter existing representation on racial lines such as "European" and "Muslim"—which has now got a racial significance—representation. It would perhaps be best, Sir, that the Government do not recognise the racial composition of any particular body and if any particular body allows members to be admitted only on racial or religious grounds and has anything to indicate that it is of a racial character, it would be wise for the Government to deny them all representation. A European Chamber of Commerce as such will have no place, but a Chamber of Commerce which represents particular sectional interests—tea or jute or coffee or any other thing, or hides and skins—they may be granted representation even if it happens that a particular community has got a large share in the business belonging to that particular Chamber. I think it would be a very wholesome principle for the Government to make it clear that they would not recognise racial or communal composition of these Chambers of Commerce and it is with that view in my mind that I do not propose to move my amendment which calls for restriction of representation in these bodies to Indians. I do hope the Honourable Minister would be able to give us an assurance on all these points that I have raised. Otherwise, I feel that the Bill as it is at present drafted is adequate and would undoubtedly serve the purpose for some years to come and when the next amendment is moved, perhaps three or four or five years hence, suitable changes can be made to suit the conditions which then obtain.

Sir, I support the motion.

The Honourable Dr. John Matthai: Sir, my honourable friend Mr. Sidhva has raised a number of points which he said ought to be taken into consideration in determining the scope and framework of this Bill. Most of the points that he has raised are covered by a suggestion with which I introduced this Bill for consideration this morning. All these important matters are matters which necessarily would come up for consideration when we take up a comprehensive re-examination of the constitution and functions of Port Trusts. I will take into account the suggestions which my honourable friend Mr. Sidhva has made.

A question which apparently has given a considerable amount of anxiety to my honourable friend is the fact that the nomination of the bodies to be represented on Port Trusts and the quantum of representation to be given to such bodies have been left in the Bill to be determined by notification; in other words, have been left to be determined at the discretion of the Ministry concerned. The real reason for doing that has been emphasised sufficiently by honourable members who took part in the discussion and I have very little to add to what they have already said on that point. I think it is important in determining the bodies to be represented that there should be a certain amount of elasticity. The fact of the matter is that there are all kinds of bodies being set up from time to time and it is, I think, unwise as many members have pointed out to give too rigid a form to the provisions on this point in the legislation. At the same time, I have considerable sympathy with Mr. Sidhva in the apprehension that he entertains that if the matter is left solely and exclusively in the hands of the executive for the time being, however responsible that executive may be to the legislature, there is a possibility of that discretion being abused. I am well aware of that danger. What I propose to do before issuing any notification is to place the proposals made by the Ministry

[Dr. John Matthai]

before the Standing Committee of the Legislature and it is only with the approval of the Standing Committee that I would have the notification issued and I can tell the House that if a matter of this kind is placed before the Standing Committee appointed by this House for the Ministry of Transport—and that Standing Committee is representative of every section of opinion in the House—there would not be much danger of the Minister abusing his powers. I am prepared to go further. In order to keep the House in touch with arrangements made in this matter, I am prepared to see that as soon as a notification is approved and issued it will be placed on the table of the House so that the House knows from time to time how this question of representation is being handled by the Ministry concerned. But in view of the great importance of retaining a certain degree of elasticity, I would beg the House not to interfere with the provision in the Bill.

As regards the proportion of representation given to elective interests, it would appear that the nominated representatives are in some cases in a majority, but it must be remembered that the representatives of labour are included in the list of nominated representatives. My idea is in regard to the nomination of labour representatives to act strictly in consultation with registered trade unions representing every section of Port Trust Labour. My honourable friend Mr. Saksena in an amendment, of which he has given notice, has asked that these representatives should be elected by Port Trust employees. If he had been here and moved that amendment, I would not have accepted it, because there are various sections of labour concerned with the Port Trust who are not employed by the Port Trust and it is very important that those schemes of labour also should have a voice in determining their representation. Therefore, it seems to me that the fairest way of determining the representation of labour is for Government to nominate these representatives in consultation with all those registered trade unions which represent labour concerned with the Port Trust whether employed by the Port Trust or not. If Labour representatives are taken into account, you will find that the elective representatives would be in a majority. But I am prepared to go further than that. In several amendments which are now before the House there are proposals that the number of elective representatives should be increased. I propose to give favourable consideration on behalf of Government to a number of these amendments and if those amendments are accepted by the House, with those including the labour representatives, there would be a considerable majority of elective representatives.

There have been references made to the representation of municipal corporation. As my honourable friend Mr. S. K. Patil pointed out, the real reason why we decided to reduce the number of members in the Municipal Corporation of Bombay, is that we wanted to have uniformity as between one port trust and another. But I recognise the objections that he has raised against our proposal. When the amendments of which honourable members have given notice, come up for consideration, the general line that I propose to take is this. I think as far as Madras is concerned, in view of its size in relation, the extent to Bombay and Calcutta, Madras, stands in a class apart. But Bombay and Calcutta have important municipalities which would require to be treated on a somewhat different footing. What I propose to do is precisely what my honourable friend, Mr. Patil suggested. I propose to accept the amendment of which notice has been given by my honourable friend Mr. Chattopadhyay. I propose that there should be a representative of the Howrah Municipality in the Calcutta Port Trust. I do that for this reason that Calcutta is different from the other parts in India in that: it is a river port and a river is concerned with both sides of it and therefore, both municipal areas should be taken into account. In the matter of fixing the representation,

we should include the municipalities on both sides of the river. I propose therefore to accept that amendment. Then on the analogy of Calcutta which then would have two municipal representatives, I propose to agree to the amendment of which Mr. Patil has given notice that Bombay should also have two representatives.

Then the question, Sir, of the representation of sectional interests was raised by several honourable speakers. The point is this: It is not merely Chambers of Commerce and recognised commercial associations that ought to be represented but also sectional interests, for example, import trade, export trade, shipping and other interests, should be represented. If we tried to give representation to every sectional interest which puts forward a claim, you will get Port Trusts which would be extremely unwieldy for the sort or purpose for which Port Trusts exist. They are not deliberative or legislative bodies; in the main they are executive bodies and it is necessary therefore, that their numbers should be brought within managable limits from the executive point of view. What I propose to do regarding sectional interests is this: I am going to ask all commercial bodies which would be represented on these Port Trusts to give me a panel of the sectional interests which they would like to be represented. I would suggest that in sending their representatives to the Port Trusts the number prescribed should be distributed among certain sectional interests contained in the panel for a particular term. When one term is over and another term begins, I would suggest to them that other interests who are on the panel should then come in for representation. That would be a matter for mutual arrangement between us and these commercial bodies

Sir, the question of the inclusion of non-national interests on the Port Trusts has been raised. I am entirely in agreement with what my honourable friend, Mr. T. T. Krishnamachari said. I am inclined to agree with him that in the stage of political development that we have reached at present, it is not worth while giving all this attention to the question of racial composition on bodies of this kind. It does however raise an important issue with which the House and the country may be faced some day and that issue would be this: How far does the country want non-national corporations, interests or persons to be represented on statutory bodies set up in the country? It raises a fundamental issue. Personally, I would rather wait and see how the future constitution of the country will be determined before introducing any provision involving the exclusion of non-national interests. But from a practical point of view, what is important is that the undue amount of influence which these interests have exercised so far in the administration of Port Trusts ought to go. I will see that under the power which this Bill will confer upon me, Indian commercial interests are given the representation that their importance entitles them to.

I think, Sir, I have covered most of the points that have been raised in the course of the discussion. My honourable friend Mr. T. T. Krishnamachari raised the question of patronage in the hands of trustees, the question of fees and matters of that kind. They are really matters which would have to be considered when a more comprehensive provision of the Port Trust Act is under consideration.

Mr. Chairman: The question is:

"That the Bill to amend the constitutions of the Port Trusts of the major ports of Bombay, Calcutta and Madras, be taken into consideration."

The motion was adopted.

Mr. Chairman: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. R. K. Sidhva: In view of the Bill not going to the Select Committee and as the Honourable Minister has given an assurance, I do not propose to move any amendments to clause 3.

Mr. Nazirudin Ahmad (West Bengal: Muslim): Sir, I move:

"That for clause 3 of the Bill, the following be substituted:

3. Notwithstanding anything contained in any of the enactments mentioned in column 3 of the Schedule to this Act, as they stand before this Act comes into force,—

(a) the first appointments and elections to be made or held under the said enactments as they shall stand after this Act comes into force, shall be made or held, as the case may be, at any time after the passing of this Act, and before this Act comes into force as if this Act was in force at the time; and

(b) the term of office of the Trustees and the Commissioners functioning as such immediately before this Act comes into force shall expire, and the Trustees and Commissioners appointed or elected under clause (a) shall assume office on the date when this Act comes into force'."

Sir, this is a little more than a drafting amendment. The House will be pleased to consider the various points involved in this clause. Under the existing Act, the Act which is sought to be amended, there are Trustees and Commissioners at present functioning. But for these amendments, they would have continued for some time, till there is the next appointment or the next election. It is sought by this Bill to terminate the functions of those Trustees and Commissioners and substitute the newly elected Trustees and Commissioners on a different basis under the present Bill. That is, the new election will take place and the old Trustees and Commissioners will cease to function on a certain date.

In this connection, two dates have got to be remembered. One is that on which the Act is passed and the Bill becomes an Act. It becomes law when it receives the assent of His Excellency the Governor General. That is the date when this Bill becomes an Act: There is another date. Under sub-clause (2) of clause 1, the Act will come into force on a date which is notified by the Government in the Official Gazette." Now, what is proposed in this clause is that the old Trustees and Commissioners would cease to function on the date the Act comes into force. Meanwhile, in anticipation, elections of Trustees and Commissioners will be held under the new Act before it comes into force. There is a little seeming anomaly that elections are held and appointments made under an Act which has yet not come into force. On account of certain defects of drafting in clause (1), the present amendment has been suggested by me. We see that the Act comes into force on the date which is notified for that purpose. But the Act in part really comes into force long before that, because the new elections are to be held under the new Act even before it comes into force. Sub-clause (2) of clause 1 should have been worded somewhat in this way: "Generally the Act will come into force on such date as the Government notifies in this behalf; but for the purpose of the first election under the new amended Act it should be deemed to come into operation on the date it becomes an Act". That has not been done with regard to sub-clause (2), and therefore necessary adjustments have got to be made in clause 3.

So far as clause 8 is concerned, it runs thus:

"The appointments and elections to be made or held under any of the enactments mentioned in the Schedule, as amended hereby may be made or held at any time after the passing of this Act and before this Act comes into force, but the Trustees or Commissioners, as the case may be, so appointed and elected shall not assume office until this Act comes into force, and on the coming into force of this Act, the term of office of the Trustees or Commissioners, as the case may be, then holding office, shall expire."

I beg to submit that the underlying idea has not been fully developed and there are expressions which are very unhappy and give a misleading impression. The House will be pleased to see that on the date when the Act really comes into force, we must have, ready at hand, a body of persons, Trustees or Commissioners already duly elected and appointed. The appointments must be made before, and in anticipation of, the Act coming into force. The clause in the Bill says that elections may be held under the new Act. I beg to submit, it should be, elections shall be held. The word "may" seems to give an option. Suppose the Bill comes into operation on the 1st of November, but on account of the word "may", the new elections may not be held before the 1st of November, and we shall find ourselves in an anomalous position. By virtue of clause 8, the old Trustees or Commissioners will cease to function on that date. Therefore, by virtue of the word "may", elections not having been held, it being optional, there will be no Trustees or Commissioners to take care of these Port Trusts on the particular date. It is therefore necessary that the word "shall" should be introduced so that elections shall be held before the date on which the Act comes into force. That is one effect of the amendment.

The other point is this. So far as the old Acts are concerned, they would run in due course till the next elections would be held. By virtue of the proposed Act which has yet to come into being, we have to hold elections in anticipation. It must therefore be provided that these elections must be held "notwithstanding the provisions of the existing Act". It is for these reasons that I have tried to introduce these words in the amendment.

The first part of the amendment is, that "notwithstanding anything contained in any of the enactments mentioned in column 3", which are going to be amended. In fact, these enactments would stand in the way of a further election before the new Act comes into force. Therefore, it must be provided that "notwithstanding" those enactments, there should be an anticipated election. Part (a) of the clause in the amendment is that the first appointments and elections to be made or held under the said enactments as they shall stand after this Act comes into force.....Though they will be held before the Act comes into force, the first elections will have to be held in anticipation of the Act coming into force. Therefore, the words, "first appointments and elections" seem to be absolutely essential. With regard to the second part of the amendment, (b), it is merely provided that Trustees and the Commissioners who are functioning at present should function till that date. On that date, the Trustees and Commissioners appointed and elected under clause (a) in anticipation should take charge. In these circumstances, I beg to submit that there are some points which have not been provided for in the clause in the Bill: namely, option is given by the use of the word "may" to hold elections or not. I have submitted that there should be no choice, because, they will be facing a gap on the date when the Act comes into force, and therefore, the word, "shall" is absolutely necessary. Then, we must guard ourselves against elections being made under the existing Act.

These are the main reasons for this amendment. I hope the House will consider these points and accept the amendment or something equivalent to it. I have suggested the points and it is not absolutely essential that the

[Mr. Nazirnddin Ahmad]

amendment as it is should be accepted as a whole. But, the points should be considered and if they are acceptable, then, a suitable draft may be adopted, or the draft as it is may be accepted with or without modifications as the Honourable Minister or the House may choose.

With these few words, I suggest that this amendment be accepted.

Mr. Chairman: Amendment moved:

"That for clause 3 of the Bill, the following be substituted :

'3. Notwithstanding anything contained in any of the enactments mentioned in column 3 of the Schedule to this Act, as they stand before this Act comes into force,—

(a) the first appointments and elections to be made or held under the said enactments as they shall stand after this Act comes into force, shall be made or held, as the case may be, at any time after the passing of this Act, and before this Act comes into force as if this Act was in force at the time; and

(b) the term of office of the Trustees and the Commissioners functioning as such immediately before this Act comes into force shall expire, and the Trustees and Commissioners appointed or elected under clause (a) shall assume office, on the date when this Act comes into force'."

The Honourable Dr. John Matthai: Sir, I appreciate my honourable friend's enthusiasm over small matters of this kind; but having given some consideration to this amendment I am bound to say that it is one which serves no purpose at all. I have had this examined by our legal advisers and they are of the view that the formula adopted in the Bill is clearer and more straightforward and is more appropriate for the practical purpose for which it is meant. I may also point out that the formula adopted in the Bill is based word for word on existing provisions in certain Port Trust Acts and they have been found quite workable over a period of years. I do not think there is any reason to apprehend that the present provision will be unworkable and I ask the House to reject the amendment.

Mr. Chairman: The question is:

"That for clause 3 of the Bill, the following be substituted :

'3. Notwithstanding anything contained in any of the enactments mentioned in column 3 of the Schedule to this Act, as they stand before this Act comes into force,—

(a) the first appointments and elections to be made or held under the said enactments as they shall stand after this Act comes into force, shall be made or held, as the case may be, at any time after the passing of this Act, and before Act comes into force as if this Act was in force at the time; and

(b) the term of office of the Trustees and the Commissioners functioning as immediately before this Act comes into force shall expire, and the Trustees and Commissioners appointed or elected under clause (a) shall assume office, on the date when this Act comes into force'."

The motion was negatived.

Mr. Chairman: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Shri S. K. Patil: Sir, I beg to move:

"That in the Schedule to the Bill, in column 4, in sub-section (1) of the proposed section 5 of the Bombay Port Trust Act 1879, for the word 'twenty-four' the word 'twenty-five' be substituted."

As I have explained, of my three amendments one is the main amendment and the two other amendments are consequential. If one seat is added to the number of elected members from the Bombay Municipal Corporation the

total number of elected members would be raised by one and instead of twenty-four there will be twenty-five members. I shall not say much on this because I understand the Honourable Minister is accepting this amendment.

The Honourable Dr. John Matthai: Sir, I accept this amendment.

Mr. Chairman: The question is:

"That in the Schedule to the Bill, in column 4, in sub-section (1) of the proposed section 5 of the Bombay Port Trust Act, 1879, for the word 'twenty-four' the word 'twenty-five' be substituted."

The motion was adopted.

Shri S. K. Patil: Sir, I beg to move:

"That in the Schedule to the Bill, in column 4, in sub-section (1) of the proposed section 5 of the Bombay Port Trust Act, 1879, for the word 'thirteen' the word 'fourteen' be substituted."

Mr. Chairman: The question is:

"That in the Schedule to the Bill, in column 4, in sub-section (1) of the proposed section 5 of the Bombay Port Trust Act, 1879, for the word 'thirteen' the word 'fourteen' be substituted."

The motion was adopted.

Mr. R. K. Sidhva: Sir, I desire to move my amendment but not in the form in which it stands. While the rest of the section may remain as it stands I only want that in the proposed section 5(2)(b) the words "only those" should be inserted before the word "persons".

Mr. Chairman: That is only one item in a big amendment which seeks to substitute a section for the whole of the proposed section 5. The honourable member cannot now take a single clause out of his amendment and move it.

Mr. R. K. Sidhva: In my original notice that I sent in to the office I only said that the words "only those" should be inserted before the word "persons". But the office has put in the whole section, which is not my fault. When I protested they said this is the proper form.

4 P. M. You may call for the original and see it.

Mr. Chairman: I will take it up later.

Shri S. K. Patil: Sir, I move:

"That in the Schedule to the Bill, in column 4, in the proposed sub-section (1) of section 6 of the Bombay Port Trust Act, 1879, for the word 'ons', occurring in line one, the word 'two' be substituted."

Mr. Chairman: The question is:

That in the Schedule to the Bill, in column 4, in the proposed sub-section (1) of section 6 of the Bombay Port Trust Act, 1879, for the word 'one', occurring in line one, the word 'two' be substituted."

The motion was adopted.

Shri T. T. Krishnamachari: Sir, I move:

"That in the Schedule to the Bill, in column 4, in the proposed section 5 of the Calcutta Port Act, 1890, for the word 'twenty-one', the word 'twenty-four' be substituted."

There is no need to explain the purport of this amendment as the Honourable Minister has agreed himself to raise the figure.

Mr. Chairman: The question is:

"That in the Schedule to the Bill, in column 4, in the proposed section 5 of the Calcutta Port Act, 1890, for the word 'twenty-one', the word 'twenty-four' be substituted."

The motion was adopted.

Shri T. T. Krishnamachari: Sir, I move:

"That in the Schedule to the Bill, in column 4, in part (xi) of the proposed section 5 of the Calcutta Port Act, 1890, for the word 'ten', the word 'thirteen' be substituted."

In the previous amendment I moved, I asked for the figure to be raised to "twenty-four" and here I have made a consequential change and increased ten to "thirteen".

The Honourable Dr. John Matthai: I have accepted Mr. T. T. Krishnamachari's amendment that the total should be increased to 24 and I am also accepting his amendment that the number of elected representatives should be 13 instead of 10. I propose also to accept Mr. Chattopadhyay's amendment that the Howrah Municipality should be given a representative. The sum total will be that you will have 13 elected representatives and out of this 13 one would be a representative of Howrah. The total would remain at 24.

Mr. Chairman: The question is:

"That in the Schedule to the Bill, in column 4, in part (xi) of the proposed section 5 of the Calcutta Port Act, 1890, for the word 'ten', the word 'thirteen' be substituted."

The motion was adopted.

Shri T. T. Krishnamachari: Sir, I move:

"That in the Schedule to the Bill, in column 4, in the proposed sub-section (1) of section 6 of the Calcutta Port Act, 1890, for the word 'ten' the word 'thirteen' be substituted."

Mr. Chairman: The question is:

"That in the Schedule to the Bill, in column 4, in the proposed sub-section (1) of section 6 of the Calcutta Port Act, 1890, for the word 'ten' the word 'thirteen' be substituted."

The motion was adopted.

Shri Mihir Lal Chattopadhyay (West Bengal: General): Sir, I move:

"That in the Schedule to the Bill, in column 4, in the proposed sub-section (1) of section 6 of the Calcutta Port Act, 1890, after the word 'Calcutta', the following be inserted:

'one shall be elected by the Howrah Municipality'."

This has been accepted by the Honourable Minister and therefore I need not speak on it in detail. Some members have anticipated this amendment and have put forth forcible arguments in its favour. I am therefore thankful to the Honourable Minister that he has been pleased to accept it.

Mr. Chairman: The question is:

"That in the Schedule to the Bill, in column 4, in the proposed sub-section (1) of section 6 of the Calcutta Port Act, 1890, after the word 'Calcutta', the following be inserted:

'one shall be elected by the Howrah Municipality'."

The motion was adopted.

Shri T. T. Krishnamachari: May I have your permission to move amendments 10 and 11 together in an amended form.

Mr. Chairman: Yes.

advisory jurisdiction to deal with questions arising in respect of freight rates. At that time my hope was that the necessary arrangements would be completed by April 1948. But various difficulties have come in the way and our legal advisers also said that a statutory authority of this kind could not be set up except by legislation. It has therefore been necessary to adopt the relatively slow process of legislation in regard to this matter instead of an executive process which at an earlier stage I had intended to adopt. As regards the composition of the Tribunal which we are proposing, it is to consist of three members, all of whom would be persons with judicial experience or qualifications and they would be assisted in their investigations by assessors who would partly represent people of experience in trade and industry and partly people of experience in railway administration and finance. It is our intention that where questions of important principle or policy are involved in any matter that comes before a Tribunal, the investigation should be done by a full bench of the Tribunal. But where it is a routine matter dealing more or less with day to day matters, the investigation could be left to a single judge, assisted again by assessors, both having industrial and commercial experience, and railway experience.

The scope of the matters which would be considered by the Tribunal may be briefly summarized as follows: The complaints that they would be authorized to investigate would be complaints relating to undue preference or to unreasonable rates. If any rate is charged which implies undue preference or is considered by the interests concerned unreasonable, then it would be a legitimate complaint to go before the Tribunal for investigation. We are providing in the Bill that no increase in existing class rates, schedule rates or terminal rates should be introduced by the Railway Administration themselves. Questions of increases in the matter of these rates would be determined only by the Tribunal subject to the provision that the Tribunal cannot examine these matters relating to increases unless they have been initiated by the Central Government. The one important class of railway rates which would be left outside the scope of the Tribunal is rates relating to passenger and coaching traffic, unless of course these matters are specifically referred to the Tribunal by the Central Government. These roughly are the proposals regarding the composition and functions of this Tribunal. There is no appeal from their decision. As I said, their decision would be final.

The other matter with which the Bill deals is the setting up of Claims Commissioners. As I told the House the other day in answer to a question, I have been seriously perturbed at the delay that takes place in the settlement and disposal of claims arising out of accidents to passengers. And in view of the accidents that have recently taken place on some of our Railways, it has occurred to me that it was time that the House considered speeding up the procedure by means of which claims could be disposed of in respect of accidents. The proposal briefly is that we should set up Commissioners specifically for the purpose of dealing with these claims. The Claims Commissioners would adopt a summary procedure, I take it, somewhat on the lines of the Small Causes Courts. There is also a provision that if in any case the disposal of these claims takes an undue amount of time, it would be open to a Claims Commissioner to make an interim payment up to 50 per cent. of the amount claimed.

These, Sir, briefly are the main matters for the House to consider in respect of this Bill. Several honourable members have proposed that the matters which this Bill covers are matters of sufficient importance to be considered by a Select Committee before it is accepted for consideration by the House. On thinking it over, I think there is a great deal of force in the suggestion that this matter should first be considered by a Select Committee. I want therefore

[Dr. John Matthai]

to say—it would probably save time if I said so at this stage—that I am prepared to accept the motion for referring this motion to a Select Committee, provided the Committee is instructed to send up its report at a very early date.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Indian Railways Act, 1890 (Second Amendment), be taken into consideration."

I understand there is a motion for reference to Select Committee.

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, I beg to move:

"That the Bill be referred to a Select Committee consisting of The Honourable Dr. John Matthai, Shri K. Santhanam, Prof. Shibban Lal Saksena, Pandit Hirday Nath Kunzru, Shri Moturi Satyanarayana, Pandit Thakur Das Bhargava, Shri S. K. Patil, Shri Biswanath Das, Dr. Bakshi Tek Chand, Dr. V. Subramaniam, Prof. N. G. Ranga, and the Mover, with instructions to report on or before the 24th August, 1948, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, I do not want to take up the time of the House except to refer to one or two matters and show the importance of establishing this Rates Tribunal.

Sir, the Acworth Committee, as early as 1920-21, recommended in paragraph 156 of its report the constitution of such a Tribunal. They say,—

"We have discussed with very many witnesses, representing not only the Indian public, but the railway companies, what the authority to control rates should be. We have found a unanimous readiness on both sides to accept the constitution of a new Tribunal, practically identical with that recommended for the same duties by the Rates Advisory Committee constituted under the English Ministry of Transport Act, 1919, and accepted as satisfactory both by the railway companies and by representative organisations of the traders in England. We recommend the establishment of a Rates Tribunal....."

But they recommended that as regards the composition of the Tribunal there may be three members with the following qualification: ".....an experienced lawyer as chairman.....", that is copied in the present Bill, but as regards the two lay members they suggested that:

"..... One of them may represent the railways and the other the commercial interests with power, in any case deemed of sufficient importance, to add two additional members, one on each side."

Those qualifications have not been prescribed here and I do not find that they are expected to be even members who practise the profession of law or versed in law. No qualifications have been set out so far as they are concerned. There are two panels which are expected to be brought into existence—one to be nominated by the Railway Board and the other by the various interests and industries. They are to act as assessors in the matter of fixing what the proportion of rates and fares are in an advisory capacity. Therefore it is proper that the Select Committee will impose certain qualifications instead of leaving it nebulously.

Mr. Chairman: May I point out to the honourable member that clause 84(2) says that both the chairman and member must be qualified for appointment as a High Court judge?

Shri M. Ananthasayanam Ayyangar: Yes, I am sorry. It requires a lawyer to be a member of the Tribunal. But though I am a lawyer myself, I do not want all lawyers to sit there. I want a judge of a high rank or with legal experience, but the other two must be persons who know the business. The other day I thought I had known much of income-tax law. Generally I had

some cases here and there and I had read the income-tax law from the beginning to end; it came up for amendment three or four times on the floor of this House; we read it and forget afterwards. I cannot pretend the same knowledge of it as one who practises it constantly. Likewise persons who know must be associated. It is not purely an academic matter to be decided between one section and another section. We want persons who know the trade. Hitherto there are nearly 22,000 rates and fares. On these rates, on the availability of wagons and on their transport, depends the growth of our industry. These persons must know the bottle-necks; how it will seriously affect what kind of industry; how quickly the material could be transported from one place to another; when goods are taken from one place to another, how quickly to return the empties. These are factors to be taken into consideration and only persons who know the business must be there to assist the judge who holds the scales between them. I would still think that in the Select Committee a modification may be made not accepting all these people as lawyers. Experience either as railwaymen or as industrialists ought not to be ignored.

As regards rates, so far as increases above the present level are concerned, it is only on reference by the authority asking for an increase that an increase could be done. I find from a casual reading of the Bill that it does not seem open to the Tribunal to reduce the fares in any particular case. They are not allowed the power to reduce any fares or rates. They can say, "This class of fares does not suit a particular kind of commodity", or they can fix from station to station rates in a particular case. That also must be taken into consideration by the Select Committee.

Then as regards the method prescribed for disposing of compensation cases expeditiously by the appointment of Commissioners, this is also a step in the right direction. Compensation is being paid to the tune of two to three crores a year. That is a waste and a damage. The cases are not disposed of properly and in case of accidents it is necessary that compensation must be given as early as possible. Therefore, that is also right.

The various clauses that have been introduced are not of course absolutely carefully worded and some of them are capable of improvement. I am sure the Select Committee will take all this into consideration and prepare a Bill which is more suited and which will improve the condition of Railways and give an impetus to the very languishing industries in our country.

Mr. Chairman: Amendment moved:

"That the Bill be referred to a Select Committee consisting of The Honourable Dr. John Matthai, Shri K. Santhanam, Prof. Shibban Lal Saksena, Pandit Hirday Nath Kunzru, Shri Moturi Satyanarayana, Pandit Thakur Das Bhargava, Shri S. K. Patil, Shri Biswanath Das, Dr. Bakshi Tek Chand, Dr. V. Subramaniam, Prof. N. G. Ranga, and the Mover, with instructions to report on or before the 24th August, 1948, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Dr. P. S. Deshmukh (C. P. and Berar: General): Sir, I am very happy that the amendment has been accepted by the Honourable Minister and the Bill is going to be referred to a Select Committee. It is also very satisfactory that the demand of the House has been met at so early a date and a Bill of this nature is coming forward for the constitution of a Tribunal the need for which had been long felt and often emphasised by the members of this House.

Mr. **Ananthasayanam Ayyangar**, Sir, who spoke before me dwelt on the composition of this Tribunal. I have only one point to make and that is that in all the provisions proposed for the formation and constitution of the Tribunal, there is a very glaring omission. While the All-India Federation of Chambers of Trade and Commerce are to frame one Panel and the Railways another, I do not find the mainstay of India, namely, the grower and the producer, figur-

[Dr. P. S. Deshmukh]

ing anywhere. It is absolutely undeniable that their interests are more vitally concerned in this transaction of transport of goods than anybody else's. After all, the trade prospers and merchants live only on the exploitation of the grower and the producer. But while a Panel of 60 persons is proposed to be formed by the Federation of Chambers of Trade and Industry, the case of the growers and the producers has gone by default. After all, trade and industry is not always at one with the producers and their interests are not always common or identical. In fact they are often divergent. I would therefore suggest to the members of the Select Committee that they should plead on behalf of the millions of people who produce, whose interests are very vitally affected and with whom it is a matter of life and death in many instances. For instance, I have bothered the Honourable Minister many times in regard to the availability of wagons for onion, oranges, vegetables and other things. There is also the question of rates which may be charged in which the growers and producers must have a say. So not only are the commercial people interested but there are also the vital interests of the growers which ought to be considered and looked into. I hope suitable provision will be made by which some representation would be given to these millions of people on whose products and productivity the whole of India lives and prospers.

चौधरी रनबीर सिंह: अध्यक्ष महोदय मैं डाक्टर देशमुख के सुझाव से मुत्तफिक हूं। पिछली मर्तबा हमारी एग्रीकल्चर स्टैंडिंग कमेटी (Agriculture Standing Committee) में डाक्टर साहिब ने बताया था कि एक तरफ तो यहां दिल्ली में आरेंजेज (oranges) बिल्कुल नहीं मिलती दूसरी तरफ नागपुर में आठ रुपये में एक वैगन (wagon) आरेंजेज (oranges) नीलाम कर दी थी क्यों कि भेजने के लिये वैगन नहीं मिले और वह सड़ गई और तबाह हो गई। पिछले सेशन (session) में मैं ने कई दफा मंत्री महोदय से गुड़ के बारे में प्रार्थना की। यू० पी० और पंजाब के कुछ हिस्से में जो कि गुड़ पैदा करता है गुड़ की कीमत चार और छः रुपये तक गरी। इसके मुकाबले में बम्बई में ५० और ४० रुपय तक गुड़ की कीमत चढ़ी। इसी तरह चन्द दिन हुए गोकुलभाई भट्ट ने आपसे यह बात कही थी कि बीकानेर के अन्दर चने सड़ रहे हैं। बीकानेर तो दूर है, हिसार के अन्दर चने का भाव एग्रीकल्चरिस्ट (Agriculturist) को सिर्फ छः रुपये फी मन मिलता है, लेकिन आप मद्रास में चले जाइये यहां चना आपको २० रुपय में भी नहीं मिलता। इसी तरह जो और चीजें किसान पैदा करता है उनकी उसको ठीक कीमत इसलिये नहीं मिलती क्योंकि ट्रांस्पोर्ट (Transport) की डिफीकलटीज (difficulties) है। और ऐसी हालत में जब कि यह सरकार अपने को किसानों की और प्रोलेटेरियट (proletariate) की सरकार कहती है, किसानों का, पैदा करने वालों का कोई नुमायन्दा ऐसे ट्रीब्यूनल (Tribunal) में न होना, मैं समझता हूं उनके साथ अन्याय होगा। और मैं मंत्री महोदय से पुरजोर अपील करता हूं कि इस इस अन्याय को दूर करने की कोशिश करें।

Shri T. T. Krishnamachari: Sir, I move:

"That in the Schedule to the Bill, in column 4,—

(i) in the proposed amendment to section 7 of the Madras Port Trust Act, 1905, for the word 'twenty', the word 'twenty-one' be substituted; and

(ii) in the proposed section 8 of the Madras Port Trust Act, 1905,—

(a) in part (i) of sub-section (1), for the word 'ten' the word 'eleven' be substituted; and

(b) in sub-section (2), for the word 'ten' the word 'eleven' be substituted."

Mr. Chairman: The question is:

"That in the Schedule to the Bill, in column 4,—

(i) in the proposed amendment to section 7 of the Madras Port Trust Act, 1905, for the word 'twenty', the word 'twenty-one' be substituted; and

(ii) in the proposed section 8 of the Madras Port Trust Act, 1905,—

(a) in part (i) of sub-section (1), for the word 'ten' the word 'eleven' be substituted; and

(b) in sub-section (2), for the word 'ten' the word 'eleven' be substituted."

The motion was adopted.

Mr. Nasiruddin Ahmad: Sir, I move:

"That in the Schedule to the Bill, in column 4, in the proposed sub-section (1) of section 6 of the Bombay Port Trust Act, 1879, the figure '6' be omitted."

The amendment at page 2 of the Bill relates to sub-section (1) of Section 6. Therefore the figure "6" at the commencement is unnecessary. We are going to substitute sub-section (1) by another sub-section (1) and therefore this figure '6' is out of place.

The Honourable Dr. John Matthai: I accept it.

Mr. Chairman: The question is:

"That in the Schedule to the Bill, in column 4, in the proposed sub-section (1) of section 6 of the Bombay Port Trust Act, 1879, the figure '6' be omitted."

The motion was adopted.

Mr. Nasiruddin Ahmad: Sir, I move:

"That in the Schedule to the Bill, in column 4, in the proposed sub-section (1) of section 6 of the Bombay Port Trust Act, 1879, after the word 'notification' where it occurs for the first time, the words 'in the Official Gazette', be inserted."

The passage where the amendment is sought to be introduced is that "the Government may from time to time by notification specify". I submit that the notification must be in the Official Gazette. That is the usual way for publishing notifications in connection with Acts. As the sub-clause stands, there may be notifications which may not be in the Official Gazette. That is why I want to specify it.

The Honourable Dr. John Matthai: Sir, I accept it.

Mr. Chairman: The question is:

"That in the Schedule to the Bill, in column 4, in the proposed sub-section (1) of section 6 of the Bombay Port Trust Act, 1879, after the word 'notification' where it occurs for the first time, the words 'in the Official Gazette', be inserted."

The motion was adopted.

Mr. Nasiruddin Ahmad: Sir, I move:

"That in the Schedule to the Bill, in column 4, in the proposed sub-section (1) of section 6 of the Calcutta Port Act, 1890, the figure '6' be omitted."

The Honourable Dr. John Matthai: Sir, I accept it.

Mr. Chairman: The question is:

"That in the Schedule to the Bill, in column 4, in the proposed sub-section (1) of section 6 of the Calcutta Port Act, 1890, the figure '6' be omitted."

The motion was adopted.

Mr. Nazimuddin Ahmad: Sir, I move:

(i) "That in the Schedule to the Bill, in column 4, in the proposed sub-section (1) of section 6 of the Calcutta Port Act, 1890, after the word 'notification', where it occurs for the first time, the words 'in the Official Gazette' be inserted."

(ii) "That in the Schedule to the Bill, in column 4, in sub-section (2) of the proposed section 8 of the Madras Port Trust Act, 1905, after the word 'notification', where it occurs for the first time, the words 'in the Official Gazette' be inserted."

Mr. Chairman: The question is:

(i) "That in the Schedule to the Bill, in column 4, in the proposed sub-section (1) of section 6 of the Calcutta Port Act, 1890, after the word 'notification', where it occurs for the first time, the words 'in the Official Gazette' be inserted."

(ii) "That in the Schedule to the Bill, in column 4, in sub-section (2) of the proposed section 8 of the Madras Port Trust Act, 1905, after the word 'notification', where it occurs for the first time, the words 'in the Official Gazette' be inserted."

The motion was adopted.

Mr. Chairman: The question is:

"That the Schedule, as amended, stand part of the Bill."

The motion was adpoted.

The Schedule, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. John Matthai: Sir, I move:

"That the Bill, as amended, be passed."

Mr. Chairman: Motion moved:

"That the Bill, as amended, be passed."

Mr. R. K. Sidhva: Sir, after having made my observations at the first reading, I am glad that the Honourable Minister has given us an assurance on the matter of selecting the various local bodies and interests for the purpose of constituting the various boards of the Port Trust.

I would request you, Sir, to draw the attention of the Honourable the Speaker to the fact that his office has actually bungled in not putting my amendment in the shape and manner in which I sent it to them. I had no other alternative but to submit to what you have said and could not move the amendment that was given notice of originally. I would request you to tell the Honourable the Speaker to find out whose mistake it was and why they have put in the amendment in the manner they liked. We expect the office to assist the members and improve things if they are not properly put in.....

Mr. Chairman: The honourable member knows that these amendments have been in his hands for the last four or five days and if there has been any slip he might easily have pointed it out to the office and had it corrected.

Mr. R. K. Sidhva: I pointed out to the office and they said that this was on the contrary better than in the manner in which I put it. I have been repeatedly telling you that I put the words exactly as I have sent. They have

put in the whole paragraph and this has prevented me from moving the amendment. Whatever that may be.....

Mr. Chairman: I have got a copy of the actual amendment sent by the honourable member. I think he can take it up with the Speaker privately but I do not think that the office has done any injustice to the honourable member.

Mr. R. K. Sidhva: I am very clear as to what I said. I have got a copy. I do not want to stress that point further.

What I want to state now is this. Referring to the proposed section 5(2)(b) which states: "two representatives of labour chosen by the Central Government after consultation with the registered trade unions; if any, composed of persons employed in the port". I wanted the words "only those" to be added for this reason. As the Honourable Minister rightly stated in answer to one of the members the unions in the port are not labourers employed by the Port Trust only. There are stevedors and dubashes who employ labour. Their interests also should be safeguarded. From my experience I have seen in the past in one of the Port Trusts that a labourer who was employed in a factory was brought in when the question of the representation was being discussed for a seat in the Port Trust. To pass a resolution in the Port Trust a large number of them were brought there to make up the majority, for a particular candidate to be recommended to the Central Government for being represented on their Port Trust Board. I, therefore, wanted that only those labourers who are actually employed in the Port Trust areas shall be allowed representation, and I am very glad that the Honourable Minister has stated that he will bear in mind that not only the Port Trust labour unions but the interests of the unions of labourers who work in the port employed by the stevedors and dubashes are also to be considered. From that point of view while I admit that election is preferable to nomination, in this matter I know the labour unions are so many and there are various interests involved that it would not be good to give them the elected franchise just now and therefore the proposition that has now been passed is perfectly all right. The word "only" not having been now inserted due to the difficulty, I hope the Honourable Minister will bear in mind that only those actually working in the Port Trust areas shall be considered for their representation and none else.

It was stated by one of the honourable members, I think it was Mr. T. T. Krishnamachari, that the members on the Port Trust Board do not take interest. *(Shri T. T. Krishnamachari:* "I said that about Madras.") It may be in Madras but in all the Port Trusts the fees are definitely fixed by the Port Trustees. In the Bombay Act there is a definite clause that no member shall leave the meeting until the proceedings are terminated. In the other Acts there is a lacuna. It is left to the Central Government to fix the fees. The Bombay Act says that every trustee other than the Chairman attending a meeting at which there is a quorum and business is conducted shall be entitled to a fee of Rs. 30 and it definitely lays down that no trustee shall be entitled to the payment unless he remains till the end of the proceedings. I have seen a similar provision in Karachi Port Trust Act where no member can leave the meeting before the proceedings are completed. I would therefore tell the Honourable Minister that when he brings in the new comprehensive Bill he may kindly see that this kind of clause is inserted that no member can attend a meeting for two minutes, take the cheque, put it in his pocket and go home. It was for this reason that this provision was made in this Act.

[Mr. R. K. Sidhva]

I do not want to go to other matters about the nominated seats referred to by my honourable friend Mr. Patil. I never minimized the importance of nomination under the existing circumstances. Probably he was not present throughout my speech. He probably caught the last bit of my speech and he said that I was opposed to it. If I was opposed to it I would not have recommended all the seats which the Honourable Minister has stated. I did so because I know these interests are absolutely necessary now from the Government point of view. But I do feel also that the elected number should be increased. If you do not make any distinction between the nominated member, even under the existing circumstances, and the elected member, I do not know what my friend Mr. Patil means. In regard to the one elected seat from the Corporation, why did he not allow it also to be left to the Honourable Minister and why was he anxious that it should be increased to two seats and embodied in this Act? He knew very well. If he felt that there was no distinction between the nominated seats and the elected seats he could have equally left all the seats to be filled by Government and they could have done what they thought best. Even under the existing circumstances, while we realize the difference between nomination by the previous government and that by the present government, still I believe that the elected members who are absolutely responsible to their bodies are quite distinct from the nominated members who are the nominees of the Government of the present day who may be with us, there is no doubt. But there is a certain distinction. I would therefore appeal to the Honourable Minister—now the number has been increased though not to the satisfaction that I would have desired—that in the elected number that we have now sanctioned he may kindly see that all the necessary interests are fully provided for and that their interests are fully safeguarded.

Shri S. K. Patil: Just one word of explanation. My honourable friend has asked why I did not leave it to the Honourable Minister and why I moved an amendment here. The amendment had to be moved because the Honourable Minister has mentioned in the elected list that one seat shall be elected by the Corporation. Had he not mentioned it and kept all the fourteen seats to be filled by the Central Government I would have certainly appealed to his good sense. The amendment became necessary because it had been specifically stated in the Bill itself.

Mr. Chairman: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

INDIAN RAILWAYS (SECOND AMENDMENT) BILL

The Honourable Dr. John Matthai (Minister for Railways and Transport): I move:

"That the Bill further to amend the Indian Railways Act, 1890 (Second Amendment), be taken into consideration."

This Bill refers to two matters. One is the constitution and organisation of a Railway Rates Tribunal and the other is the question of setting up Claims Commissioners for dealing with claims arising out of accidents to trains.

With regard to the first of these matters, the Railway Rates Tribunal, I made a reference to this matter in the speech I made on the Interim Railway Budget last November. And I said it was the intention of Government that there should be an independent judicial body with mandatory and not merely

(English translation of the above speech)

Ch. Ranbir Singh (East Punjab: General): Mr. Chairman, Sir, I support the suggestions made by Dr. Deshmukh. In the last meeting of the Standing Committee for the Ministry of Agriculture, the Doctor told us that on the one hand oranges were not available in Delhi and on the other a wagon of oranges was auctioned in Nagpur for Rs. 8, because wagons for transport were not available and there oranges were rotting. During the last session on many occasions, I drew the attention of the Honourable Minister to 'Gur'. In certain parts of U.P. and East Punjab which produce 'Gur', the price of this commodity fell down to Rs. 4 and Rs. 6; and whereas in Bombay it rose upto Rs. 40 and 50. The other day Shri Gokulbhai Bhatt mentioned that grains were rotting in Bikaner. Bikaner is a distant place. Even in Hissar, the agriculturist is paid for the gram at Rs. 6 per maund, but if you go to Madras, you cannot get gram even at Rs. 20 per maund. Thus the agriculturist is unable to secure reasonable price for the other commodities product by him because of transport difficulties. Under such circumstances I feel that this Government which acclaims to be the Government for the agriculturists and the proletariate, would be perpetrating injustice on the agriculturists and the producers by ignoring the appointment of their representative on such a Tribunal. I would, therefore, strongly appeal to the Honourable Minister that he should take steps to remove this injustice.

Mr. Nasiruddin Ahmad (West Bengal: Muslim): Sir, I welcome the principles of this Bill as well as the motion for reference to Select Committee. There are two principles involved in the Bill. One is the creation of Rates Tribunal and the other is the Tribunal to deal with accidents. Both these are great improvements and I am glad they have been accepted by the Government in view of the wishes expressed in the House.

As the Bill is going to the Select Committee, I have to make some suggestions for consideration. Certain sections of the original Act, namely, 26 to 40, were repealed by the Adaptation of India Order, 1937. There was therefore a gap from 26 to 40. They related to certain traffic facilities. Now, Sir, certain other sections of the Act, namely, 41 to 45 relate to other subjects, but it is proposed in the Bill that they should be re-numbered as 26 to 88 just to fill the gap once occupied by other provisions. As the clauses deal with entirely different subjects, it is not proper to re-number the sections to fill up places occupied by other entirely different sections not analogous to those of the present. In these circumstances, the Select Committee should be pleased to consider whether the sections which are proposed to be re-numbered as other sections are really analogous to them or whether they deal with entirely different subjects. In fact, in amending an Act it it not the usual practice to fill up gaps by entirely different sections. That will lead to considerable confusion and those who have to make a study without adequate knowledge may fall into the error that they may consider certain sections which are removed to a different place by a kind of interpolation as if they were originally there. I submit this is a consideration which the Select Committee should keep in mind. When an Act is entirely recast it is of course the custom to re-number the sections serially, but when amendments are made to an existing Act, it is not the custom. This is all I have to suggest for the consideration of the Select Committee.

Shri Prabhudayal Himatsingka (West Bengal: General): Mr. Chairman, Sir, I support the Bill in so far as it tries to provide machinery for expeditious decision of rates and for payment of compensation. But, Sir, at the present moment there is another important question to which I would like to invite the attention of the Honourable Minister. In cases of loss of goods and partial loss of consignments from one station to another, the consignees put forward claims, and I can say from my own personal knowledge that those claims are not being attended to in time and in many cases no response is received from

[Sbri Prabhu Dayal Himatsigka]

the Department. As a result, you will be surprised that whereas 10 suits used to be instituted before 1947 against the Secretary of State as was then necessary, you will find at least 200 suits at the present moment.

The number of suits against the Government must have increased in the present instance to the extent of twenty times and that is a matter which should receive the serious attention of the Honourable Minister, because that means so much loss of money for payment to the parties who succeed in their litigation. In most cases as soon as a suit is filed, the Railways try to compromise the case. I do not see any reason, Sir, why some method should not be found and if possible incorporated in the Bill whereby such claims also may be expeditiously dealt with and where the claim is correct some method provided for making adjustments. The number of suits will indicate how these things have been dealt with and how Government is being mulcted with costs.

Pandit Hirday Nath Kunzru (U.P.: General): Mr. Chairman, the Bill before us deals with a very important subject. Some of the points which require examination have been mentioned by other speakers. I shall draw the attention of the House to some clauses which in my opinion are of a vital character. The Honourable the Transport Minister in a speech which was of exemplary brevity considering the importance of the subject explained the constitution of the Tribunal. I should not therefore deal with that point now. I shall ask the House to consider clauses 41 and 42 which broadly speaking deal with the matters which come before the Railway Rates Tribunal and the powers of the Tribunal and it would be found on a reference to clause 41 that complaints can be brought before the Tribunal for almost with regard either to matters where it is alleged that undue preference is being shown to any trade or any body or in respect of rates which are regarded as unreasonable, because they are too heavy or because unjustifiable conditions are attached. The Tribunal can also hear complaints regarding the refusal of the railway authorities to quote a new station to station rate or to grant an alternative owner's risk rate. You will thus see, Sir, that there is nothing relating to rates which cannot come before the Rates Tribunal. This Tribunal will have the power on the application of the Central Government to increase the level of the class rates. We have to consider two important things. One is that there is nothing relating to the rating system which is outside the Tribunal's purview and the other is that no increase can be made in the rates without the sanction of the Tribunal. I am not certain, but it seems to me that the Railway Board or the Transport Ministry will have the power to decrease the class rates. If I am mistaken on that point, I am sure that the Honourable the Transport Minister will correct me.

I should like to draw the attention of the House to clause 46 also, which deals with alterations and cancellation of station to station rate. It is clear from this that except in regard to station rate quoted by a railway administration in pursuance of the Tribunal's decision it will have the power to alter the station to station rate as it considers fit. I have drawn the attention of the House to these matters in order to show how comprehensive the powers of the Tribunal will be. The question therefore arises whether it is desirable that such large powers should be made over to a Tribunal, however competent it may be. Government have great responsibilities to perform. They may be compelled because of reasons beyond their control to find new sources of revenue. What are the new sources which they can look forward? They can either raise the goods rates or roughly speaking the passenger fares. The passenger fares and the charges made for other coaching traffic generally will not be under the control of the Tribunal. Questions relating to these matters can be referred to the Tribunal by the Central Government, but the Tribunal can have no initiative in this matter and no complaints can be brought before the Tribunal which relate to these matters. In the first place when Government are in

search of more money, it is quite possible that finding that one road is blocked. they may seek the easier method of raising passenger fares and coaching charges in order to solve their difficulties.

Again, Sir, Government may be compelled to increase the railway earnings in a number of ways, including the reclassification of goods rates because of the increase in the wages of labour or the Adjudicator's award or for certain other reasons. Is it right that in a matter of such vast importance they should part with all control; the responsibilities will be theirs; the obligation to fulfill them will be theirs; but the power to carry out their responsibilities will not be theirs; they will have to depend on the sanction of an outside body in order to increase the rates to the extent to which the burdens which the railway have to shoulder might render necessary. Now it may be said here, Sir, that as a Tribunal will consist of men with legal qualifications—I mean qualified to be Judges of a High Court—there is no reason why we should shrink even in important matters, even in matters of vital importance to the railways from abiding by their decision.

Mr. Chairman: Will the honourable member take more time?

Pandit Hirday Nath Kunzru: I will require more time.

Mr. Chairman: In that case he may continue his speech tomorrow.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Wednesday the 18th August, 1948.